

Item-
3.

17-09-2026

CO 3217 of 2026

Garia Mitali Sangha
Versus

sg

Ct. 6

Kamdahari Purbapara Recreation Club & Ors.

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Supratim Dhar, Sr. Adv.
Mr. Aritra Basu
Mr. Dhananjay Nayak
...for the petitioner
Mr. Chandra Sekhar Banerjee
Mr. Samit Dutta Chowhdury
Mr. Tanmoy Mukherjee
Mr. Apratim Bhattacharya
Mr. Shamit Dutta
Ms. Madhumita Saha
...respondent

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order dated September 11, 2026, passed by the learned District Judge at Alipore in Misc. Appeal No. 230 of 2026.

By the said order, this Misc. Appeal was allowed thereby setting aside the order dated 13.08.2026 passed by the learned Trial Judge. By the order dated 13.08.2026, the learned Trial Judge passed an ad interim order of injunction restraining the opposite parties from organising the Durga Puja festival, function or programme without prior permission of the petitioner club.

By the impugned order dated 11.09.2026, the learned Trial Judge was directed to dispose of the injunction application.

Mr. Mitra, learned Senior Advocate appearing for the petitioner submits, on instructions from his client, that since the opposite party club has already started erecting pandal on the suit property for the purpose of performing ensuing Durga Puja for the year 2026 and considering the

sentiment of the local people, the petitioner is agreeable to allow the opposite party to perform the Durga Puja on a portion of the suit property by erecting temporary structure thereupon, subject to the opposite party seeking permission for such purpose from the petitioner club in writing.

Faced with such submission, Mr Banerjee the learned counsel representing the opposite party club, on instruction, submits that the opposite party is ready and willing to seek permission from the petitioner provided seeking of such permission shall be without prejudice to the rights of the opposite parties in the pending suit, injunction application as well as any other interlocutory applications in connection therewith.

In reply, Mr. Mitra, learned Senior Advocate, submits that the grant of permission by the petitioner pursuant to any permission that may be sought for by the opposite party shall also be without prejudice to the rights of the petitioner in the pending suit, injunction application as well as any other interlocutory applications in connection therewith. Mr. Mitra further submits that the opposite party should also undertake that they shall not construct any permanent structure on the suit property, and the erection of temporary structure shall have to be removed within a specified timeframe.

In reply, Mr. Banerjee the learned advocate appearing for the opposite party submits that the opposite party club shall not erect any permanent construction on the suit property and the temporary structure that will be erected on the suit property for performance of the Durga Puja shall be dismantled and the property shall be restored to its original

condition by way of removal of all debris therefrom prior to the date of Kali Puja of the year 2026.

In the light of the aforesaid submissions made by the learned counsel for the respective parties, CO 3217 stands disposed of with the following directions and observations:

- 1) The opposite party shall file undertaking by way of affidavits before this Court on or before September 24, 2026, specifically stating therein that:-

- (a) they shall not erect any permanent structure on the suit property and temporary structure/pandal shall be erected on the suit property only for the purpose of performing the Durga Puja for the year 2026 and in doing so, necessary care shall be taken to cause the least damage to the suit property.

- (b) the work of dismantling the temporary structure/pandal shall commence immediately after the performance of the Lakshmi Puja i.e. on and from 27th October, 2026;

- (c) the entire work of dismantling of the temporary structure including removal of debris therefrom and restoration of the property to its original condition, shall be completed on or before 8th November 2026; at the cost of the opposite party.

2. Separate undertaking by way of affidavit shall be filed by the Secretary of the opposite party club as well as the President of the said club appointed for the purpose of performing the Durga Puja for the year

2026 in the department upon serving a copy of the said to the learned advocate-on-record for the petitioner on or before September 24, 2026.

3. The permission shall be sought for by the Secretary of the opposite party club in writing, addressed to the Secretary of the petitioner club on or before September 24, 2026 and if such permission is sought for in writing, the Secretary of the petitioner club shall grant permission for the aforesaid purpose in favour of the opposite party club latest by September 28, 2026.

It is, however, clarified that the acts of seeking permission and grant of permission shall be without prejudice to the rights and contentions of the respective parties in the pending suit, injunction application and any other interlocutory applications that may be pending or filed in the suit.

This civil revision application is disposed of on the basis of the suggestions made by the learned counsel for the respective parties on instructions from their respective clients.

This Court appreciates the stand taken by the respective parties keeping in mind the sentiment of the people of Bengal and the festival in question.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)