
(2020) 03 CAL CK 0098

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 4962 (W) Of 2020

Sk. Asfar Hossain

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 20-03-2020

Acts Referred:

Citation : (2020) 03 CAL CK 0098

Hon'ble Judges : Sabyasachi Bhattacharyya, J

Bench : Single Bench

Advocate : Masum Ali Sardar, Asmat Mondal, Sk. Mainur Rahaman, Meser Molla, Sajahan Middy

Final Decision : Disposed Of

Judgement

Sabyasachi Bhattacharyya, J

Although the matter is erroneously appearing in the list with the demarcation 'NTW', since both the contesting parties are present in court, the matter is taken up for hearing on the ground of extreme urgency.

The writ petition has been filed, alleging that the private respondents are seeking to hold a fair at the locale where the petitioner's club, that is the Sabuj Sangha, has been annually holding such festival till date.

Learned counsel for the petitioner submits, in the capacity of secretary of Sabuj Sangha, that they had given a representation to the authorities, as annexed at page-14 of the writ petition, seeking action against the private respondents, in view of the private respondents attempting to hold the fair this year, without having any right to hold such annual function.

However, it is alleged that the authorities are sitting tight over the matter till date. Such festival is going to be held on 21 and 22 March, 2020.

Learned counsel for the petitioner further points out that an advertisement has already been issued in the name of the petitioner, stating that the petitioner, with

co-operation of another club, would be holding the function.

All the private respondents, being respondent nos.8 to 11, are present in person and are given the leave to appear in person.

Upon query, the private respondents submit that they have got permission to hold the annual fair and seek to produce certain documents in support of such contention.

However, in the absence of any affidavit, the writ court cannot go into the detailed facts of the matter.

Since the festival is going to be held tomorrow and day after tomorrow, there is no time to direct affidavits to be exchanged.

Accordingly, W.P. 4962(W) of 2020 is disposed of by directing the respondent no.5 to consider the representation of the petitioner, annexed at page-14 of the instant writ petition by today, upon being communicated about this order by the petitioner.

The private respondents are also given the liberty to appear before the respondent no.5, the Sub-Divisional Officer, Serampore Sub-Division for the purpose of producing the documents in support of their rights to hold the annual fair, along with the petitioner.

The respondent no.5 shall act on the communication of the parties, without insisting upon a certified copy of this order.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.