
(2020) 03 CAL CK 0087

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 3939 (W) Of 2020, Civil Application (CAN) No. 2937 Of 2020

Sukhendra Nath Gain

APPELLANT

Vs

State Of West Bengal And Others

RESPONDENT

Date of Decision : 19-03-2020

Acts Referred:

Citation : (2020) 03 CAL CK 0087

Hon'ble Judges : Sabyasachi Bhattacharyya, J

Bench : Single Bench

Advocate : Litan Maitra, Pramatha Ranjan Bose

Final Decision : Allowed

Judgement

Sabyasachi Bhattacharyya, J

Affidavit-of-service and supplementary affidavit filed by the added respondent today be kept on record.

The application, bearing CAN 2937 of 2020 is taken up for hearing.

Despite service, which had to be effected with the help of police in view of the chaos created allegedly by the petitioner, none appears for the petitioner and/or the respondents in the writ petition.

Mr. Pramatha Ranjan Bose, claiming to be President of the All India Matua Maha Sangha, appears and submits that he has instruction to appear on behalf of the respondent no.9, being the private respondent. It is submitted by Mr. Bose that, despite having obtained permission from the respective authorities, the Matua Sangha itself, headed by Mamata Thakur, does not want to proceed with the Matua Mela which was initially scheduled to be held on March 20, 2020 to March 27, 2020. He informs court that the fair has been called off in view of the growing Coronavirus pandemic.

However, since no power of attorney is submitted by Mr. Bose, he cannot be

permitted to appear on behalf of the respondent no.9.

However, it appears from the allegations made by the applicant in CAN 2937 of 2020 that the applicant Mr. Litan Maitra is a local inhabitant, thus having direct interest in the subject-matter of the writ, which has been filed by the writ petitioner for permission to hold the Matua Mela. Hence, the applicant is a necessary party to the writ petition. Accordingly, CAN 2937 of 2020 is allowed, thereby adding the applicant as a party respondent to the present writ petition.

There will be no order as to costs.

Since the newly added respondent alleges that, being a legitimate permission holder, the Matua Maha Sangha itself, represented by respondent no.9, has called off the Matua Mela in public interest to prevent further spread of the pandemic Coronavirus, the writ petitioner does not have any locus standi or even permission to hold such fair and ought to be restrained by the police authorities from doing so in larger public interest.

However, since the writ petitioner himself is unrepresented, along with the original respondents in the writ petition, no order can be passed on the writ petition on merits.

However, in view of the dispute raised by the added respondent, it is made clear that the police authorities will be free to enforce the law, pertaining to holding of such Matua Mela and shall ensure that no entity, not having permission to hold such Mela will be permitted to do so by the police. The police is further requested to act in accordance with law.

It is made clear that the merits of the writ petition have not been gone into, since the petitioner himself is absent.

Let W.P. 3939(W) of 2020 next appear on April 20, 2020, under the same heading, at 10.30 a.m. for further hearing.

The matter be sent down to the concerned Section for the office to carry out necessary amendments in the cause title of the writ petition consequent to the addition of Litan Maitra as a party respondent.