

In The High Court at Calcutta
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 24981 OF 2026

SRI KALLOL KANTI SAHA AND OTHERS
VS.
THE STATE OF WEST BENGAL AND OTHERS
.....

Mr. Indranil Nandi, Adv.
Mr. Sayak Konar, Adv.
... For Petitioners

Ms. Susmita Saha Dutta, AGP
Mr. Sourav Halder, Adv.
Ms. Diya Chakraborty, Adv.
...For State

Mr. Rabindra Kumar Mitra, Adv.
Mr. Subha Kumar Pathak, Adv.
Ms. Sneha Chakraborty, Adv.
...For Respondent Nos.5 & 6

1. Affidavit-of-service filed on behalf of petitioners is taken on record.
2. By presenting this writ petition, petitioners being the flat owners of a G+3 residential building situates at no.133A, Raja Rammohan Sarani, P.S. Muchipara, Kolkata, have approached this Court raising objection against organizing Durga Puja by Sarad Sangha club being respondent no.5 at the common area of the said premises.
3. Five flat owners are before this Court with the present writ petition and it is specifically submitted that Flat Owners Association has not granted permission to respondent no.5 club to organize Durga Puja at the said premises in 2026. However, apprehension is expressed on behalf of petitioners that forcibly respondent no.5 club may organize Durga Puja in this year.
4. State respondents and respondent nos.5 & 6 are represented by learned advocates.

5. It is submitted on behalf of respondent no.5 club that they have been organizing Durga Puja for a long period of time and after construction of G+3 storied building with the permission of erstwhile land owner club is organizing Durga Puja at the car parking space of the said premises.
6. Ms. Susmita Saha Dutta, learned Additional Government Pleader representing State respondents submits on instruction that till date no pandal is erected at the said premises.
7. Having considered the respective submissions made on behalf of parties, it appears that petitioners are flat owners of aforesaid premises who are raising objection against organizing Durga Puja by respondent no.5 club within the said premises. Complaint was lodged on behalf of Flat Owners Association addressed to Officer-in-Charge, Muchipara Police Station being respondent no.4 but it is submitted that till date no effective steps have been taken.
8. Since property has been developed pursuant to an agreement between developer and land owner, a G+3 storied building has come up containing several flats; petitioners being the flat owners therein have right to express their views with regard to organizing Durga Puja within the premises. In this regard, reliance is placed on the order of the Hon'ble Division Bench on an intra-court appeal being ***MAT 542/2025 (M/S Bibhuti Bhusan Dutt Estates Pvt. Ltd. vs. State of West Bengal and Ors.)***.
9. In the present case at my hand, though respondent no.5 club is represented but nothing is demonstrated which would substantiate its case that said club is

having right to organize Durga Puja at the common area of the said premises in absence of permission accorded by Flat Owners Association/ individual flat owner.

10. In paragraph 8 of *M/S Bibhuti Bhusan Dutt Estates Pvt. Ltd. (supra)* it was held by the Hon'ble Division Bench that a citizen cannot be prevented from enjoying immovable property or its usufruct on the specious plea that there may be a claim with regard thereto by a person who is even coming forward to make such claim. Here respondent no.5 club is represented but nothing is substantiated with regard to claim of respondent no.5 over the premises in question.
11. Hence, respondent no.4 is directed not to permit respondent no.5 club to organize Durga Puja at the said premises in absence of permission granted by Flat Owners Association/ individual flat owner.
12. With the above observations and direction writ petition stands disposed of.
13. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)