

WP No.856 of 2009

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

ORIGINAL SIDE

ISHITA CHAKRABORTY

Versus

STATE OF WEST BENGAL & ORS.

For the Petitioner : Ms. Ishita Chakraborty, Advocate (in person)

For the State : Mr. Balai Chandra Roy, Advocate General
Mr. A K Chatterjee, Advocate
Mr. Suman Ghosh, Advocate

For CESC Limited : Mr. Subrata Biswas, Advocate

For the Private Respondents: Mr. Biswarup Bhattacharya, Advocate
Mr. Tanay Chakraborty, Advocate

BEFORE:

The Hon'ble JUSTICE SANJIB BANERJEE

Date : 15th September, 2009.

The Court : A report has been filed on behalf of the State.

It is submitted on behalf of the State that there is already a system in place as to the conditions for constructing pandals by puja committees. Leaflets were distributed and known puja committees were informed well in advance as to the steps that were to be taken for the purpose of obtaining permission.

The report speaks of uniform rules which have been put in place and that the State proposes to implement the rules without exception. These rules include a

direction that there must be a 4 ft. clear open space on all sides from the property line of any building, boundary wall or any other permanent structure. The restrictions also indicate that the height of the super-structure can be no more than 40 ft. There are several other directions relating to the material to be used for the construction of the pandals. Separate entrance and exit gates have been directed to be made in such a manner that in case of any fire or other exigency, immediate measures can be taken. The gates have been directed to be of 12 ft. by 14 ft. by way of minimum measurement. The directions require the entry passage in the pandal to be such that a fire engine would get access without any obstruction. No open flame can be used within 200 yards of the main pandal and no cooking arrangements would be allowed within such radius. In addition, adequate quantity of water, sand-filled buckets and fire extinguishers are required to be maintained.

The State says that unless these measures are strictly followed and adhered to by the puja committees, the State would take immediate action.

It has also been submitted on behalf of the State that the rules and procedures for obtaining permission would be put up on the official website of the Kolkata Police.

The State says that these additional instructions have now been issued over and above the stipulations that had been indicated in the leaflets which have been appended to the report. Such leaflets had apparently been circulated well in advance in order about the month of August, 2009.

It is desirable that the steps that are required to be taken are publicized well in advance before any puja so that there is no last-minute rush or any confusion.

The writ petitioner complains of the pandal still not adhering to the direction of 4 ft. space on all sides that has been now issued by the Director General of West Bengal Fire and Emergency Services. The petitioner says that bamboo poles have

been extended in such a manner that after the present proceedings are over, it would leave room for the private respondents to make further construction and breach the 4 ft. gap that is now required to be maintained. The Officer-in-Charge, Kasba Police Station and the Superintendent of Police, South 24 Parganas should ensure that the private respondents adhere to the directions issued by the Director General of Fire and Emergency Services. In the event the private respondents act in derogation of such directions, not only would the police authorities be entitled to demolish such part of the structure which is in violation of the directions, the police authorities may take further steps to demolish the pandal itself or the larger parts thereof as they may deem it fit.

The Superintendent of Police should also ensure that the petitioner is not harassed by the private respondents in any manner for bringing this grievance to Court.

W.P. No.856 of 2009 is disposed of without any order as to costs.

All parties concerned are to act on a signed Photostat copy of this order on the usual undertakings.

Sd/- Sanjib Banerjee

NOTE:

All Puja Committees are directed to strictly comply with the Hon'ble High Court Order.

**Commissioner of Police,
Kolkata.**