

02. 14.09.2026  
Court No.8  
(Tanmoy)

**WPA(P)/436/2026**

**MD AZHARUDDIN  
VS  
STATE OF WEST BENGAL AND ORS.**

Mr. Aamir Parwez  
...for the petitioner.

Mr. D.N. Ray, Sr. Adv./Ld. GP  
Mr. Dibashis Bose, AGP  
...for the State.

Mr. Srijib Chakraborty  
Ms. Shabnam Farooqui  
...for the respondent no.13.

Mr. Md. Mohiuddin  
...for the respondent no.14.

Mr. Md. Adil Badr  
Mr. Sobhan Gani  
Mr. Md. Aqib Badr  
Mr. Shahzada Parwez  
Mr. Shakti Shivam  
Ms. Nagma Khatoon  
...for the respondent nos.15-21.

**Dictated by Arijit Banerjee, J.**

**1.** This writ petition has been filed alleging unauthorized construction at the instance of the private respondents at three addresses being premises no.6, Meher Ali Mondal Street, Kolkata – 700027, premises no.37/1C, Mominpur Road, Kolkata – 700023 and premises no.39A, Kavi Md. Iqbal Road, Kolkata – 700023.

**2.** The petitioner says that all the three premises have been raised beyond the sanctioned plan. He is a public spirited citizen. He has, therefore, instituted the present Public Interest Litigation (PIL).

3. Learned Advocates for the private respondents urge that this is a *mala fide* writ petition. The petitioner, in unholy entente with his associates, has filed several similar writ petitions only to pressurize persons raising constructions and to extract money from them. The present petition cannot qualify as a PIL.

4. It is submitted by learned Advocates that a criminal complaint has been lodged against the present petitioner as also his learned Advocate-on-Record and investigation is going on.

5. PIL has been defined in Rule 56 of the Calcutta High Court Rules relating to applications under Article 226 of the Constitution of India. Rule 56 reads as follows:-

**“56. Definition of Public Interest Litigation.–**  
*Public Interest Litigation shall include a litigation the subject-matter of which is a legal wrong or a legal injury caused to a person or to a determinate class of persons by reason of violation of any constitutional or legal right or any burden imposed in contravention of any constitutional or legal provision or without authority of law or any such legal wrong or legal injury or illegal burden is threatened and such person or determinate class of persons is, by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the Court for relief, and for redressal of which any member of the public not having any personal interest in the subject-matter presents an application for an appropriate direction, order or writ in this Court under Article 226.*

*Notwithstanding anything contained above, in any appropriate case, though the petitioner might have moved a Court in his private interest and for*

*redressal of personal grievances, the Court in furtherance of the public interest involved therein may treat the subject of litigation in the interest of justice as a public interest litigation.”*

**6.** We fail to understand how the present writ petition may be treated as a PIL. It is not that the residents of the three buildings mentioned above or people residing in the vicinity thereof, are underprivileged or cannot approach Court by reason of poverty, helplessness or disability or they are in socially or economically disadvantaged position and hence unable to approach Court. The petitioner does not reside anywhere near any of the three concerned buildings. He is not affected by any such allegedly illegal construction. If the concerned buildings are unauthorized, the Kolkata Municipal Corporation (KMC) may look into the matter and take appropriate steps, in accordance with law. We have doubts about the *bona fides* of the present writ petitioner. In our opinion, the writ petitioner has indulged in misuse of the mechanism of PIL and abuse of the process of law.

**7.** Accordingly, we dismiss the writ petition being WPA(P)/436/2026 with cost assessed at Rs.25,000/- (Rupees Twenty Five Thousand) to be paid to the State Legal Services Authority, West Bengal, within a week from date.

**8.** Let a copy of this order be forwarded by the Office of learned Registrar General to the Member

Secretary, State Legal Services Authority, West Bengal. If the cost is not paid within the time-period indicated above, the same should be drawn to our attention.

**9.** This order will not stand in the way of KMC looking into the matter of alleged illegal construction made at the aforesaid three premises, and taking appropriate steps if necessary, in accordance with law.

**10.** Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

**(Arijit Banerjee, J.)**

**(Reetobroto Kumar Mitra, J.)**