

IN THE HIGH COURT AT CALCUTTA
(Appellate Side)
CONSTITUTIONAL WRIT JURISDICTION

WPA(P) 33 of 2021

Date of decision:-12.2.2021

Sri Rajesh Das

...Petitioner

-versus-

State of West Bengal & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE ANIRUDDHA ROY

Present:- Mr. Sakya Sen, Advocate

...Advocate for the petitioner
present through VC

Ms. Sormi Dutta, Advocate

...for the petitioner
present in Court

Ms. Mousumi Bhowal, Advocate

...Advocate present in Court
for the respondent Nos.8 & 9

Mr. Nadeem Sulaiman, Advocate

Ms. Sunita Guha, Advocate

...Advocate present in Court
for the respondent No. 13

Mr. Pannalal Bandopadhyay, Advocate

...Advocate present in Court
for the State.

ORDER

1. The present petition has been filed claiming the same to be in public interest by the petitioner raising an issue that water body in the area of

South Dumdum Municipality has been converted into a multi-storied building. In support of his arguments learned Counsel for the petitioner has referred to the revenue record whereby the area in question has been shown to be a water body. He further submitted that due permission has not been taken from the authorities concern for the conversion thereof.

2. On the other hand, learned Counsel for the respondents submitted that present petition cannot be said to be filed in public interest for the reason that the petitioner is resident of 25 Narasingha Avenue, P.O.-Motijheel, Kolkata-700074 whereas the land in question is located in South Dumdum Municipality. In case the petitioner was concerned and is the resident of the area where the water body is situated, he would have immediately raised the issue. In fact, as per the admitted case of the petitioner himself the building has already been constructed after getting due permission from the competent authority and the same is in occupation of the rightful owners thereof. The present petition has been filed just to blackmail the respondents.

3. After hearing learned counsels for the parties, we do not find this to be a petition which deserves to be entertained in public interest. The petitioner is resident of 25 Narasingha Avenue, P.O.-Motijheel, Kolkata-700074 whereas the place where the water body is said to be situated is located at South Dumdum Municipality. Even as per the admitted case of the petitioner himself the multi-storied building, apparently residential flats, has already been constructed at the place. In case the petitioner was having concern about the same, he should have raised the issue immediately when the water body was allegedly sought to be filled up for raising construction.

Apparently, the petition has been filed to settle some scores after the construction of the building has been completed.

4. For the reasons mentioned above, we do not find any ground is made out to interfere in the present petition. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

(Aniruddha Roy)
Judge

Kolkata

12.02.2021

PA(SG)