

09.08.2021
rc/ct.no.10
Item No.08

WPA No. 2259 of 2019
Hrishikesh Mandal & Anr.
Versus
The State of West Bengal & Ors.
(VIA VIDEO CONFERENCE)

Mr. B.K.Samanta	for the petitioner
Mr. Partha Pratim Roy	
Mr. Ram Chandra Guchait	...for the State

The grievance of the petitioners is directed against the illegal and wrongful construction of work at the subject premises without due process of law. The petitioners also complain that in carrying out such construction work the State-authorities have damaged 20000 cabbage plants belonging to the petitioners.

Pursuant to a direction of this Court the State has filed a Report which is taken on record.

It appears from the said Report that the work is being executed in public interest with a view for safe release of huge flood run off, strengthening of flood embankments protecting about 30 sq. km in such a low lying and flood prone area along with development of low lying Government land, widening of PMGSY and other rural roads.

It is also submitted by the Advocate appearing on behalf of the State-respondents that upon enquiry from the locale it appears that no damage has been caused in course of execution of the aforesaid works.

The Advocate appearing on behalf of the petitioner submits that the report filed by the State is full of contradictions and inconsistencies.

In view of the factual dispute that arise for consideration in this petition I am of the view that there is no scope of passing any order in favour of the petitioner.

Accordingly, WPA No. 2259 of 2019 is dismissed.

There shall be, however, no order as to costs.

Liberty is given to the petitioner to take steps in accordance with law to file a representation before the appropriate authorities, if so advised.

(Ravi Krishan Kapur,J)