AD. 21.
November 15, 2021.
MNS.

(**Through Video Conference**)

WPA No. 14973 of 2021

M/s. S. G. Enterprise
Vs.
The Secretary, Department of Commerce
and others

Mr. Bikash Ranjan Bhattacharyya,
Mr. Rananeesh Guha Thakurta

… for the petitioner.

Mr. Kalyan Bandopadhyay,
Mr. Saptangshu Basu,
Mr. Sayan Sinha,
Mr. Mainak Swarnokar

…for the respondent no. 7.

Ms. Senjuti Sengupta

…for the respondent no. 10.

Affidavit-of-service filed in Court today be taken on record.

Learned senior counsel appearing for the petitioner contends that the petitioner has been suffering consistently since the trucks by which the petitioner's goods are transported across the Petrapole border between India and Bangladesh are being detained unlawfully by the respondent no. 7-Municipality and illegal charges are being levied on the said trucks by the Municipality.

Learned counsel appearing for the proforma respondent no. 10, allegedly a transporter's Association of Bongaon, supports the said contentions of the petitioner and submits that illegal taxes are being levied on the trucks by which the petitioner's goods are being transported.

Learned senior counsel appearing for the respondent no. 7- Bongaon Municipality contends that the writ petition ought to be dismissed at the outset, since no nexus between the cause of action espoused in the writ petition and any infringement of legal right of the petitioner has been disclosed in the writ petition. It is further argued that the writ petition is absolutely vague insofar as the details of the trucks and occasions on which they were detained illegally are concerned.

That apart, by placing reliance on Section 64(1)(e) in conjunction with Sections 95 and 182 of the West Bengal Municipal Act, 1993, learned senior counsel appearing for the respondent no. 7-Municipality contends that the said respondent has ample power under the law to levy parking fees in the Municipal areas.

The said respondent also relies on the judgment of *Bharat Singh and others Vs. State of Haryana*, reported at *(1988) 4 Supreme Court Cases 534*, on the proposition that a point which is ostensibly a point of law is required to be substantiated by facts; the party raising the point, if he is the writ petitioner, must plead and prove such facts by evidence which must appear from the writ petition and if he is the respondent, from the counter affidavit.

In the present case, despite the proforma respondent no. 10 having formally supported the contentions of the petitioner, I find no direct nexus between the cause of action espoused in the writ petition and infringement of any legal right of the petitioner. In the event taxes are being levied illegally and the vehicles of the transporters are being detained unlawfully, it could only clothe the affected parties, that is, the transporters, with a right to approach with their grievance before a competent legal forum.

The present writ petition not being a Public Interest Litigation, as rightly pointed out on behalf of the respondent no. 7-Municipality, cannot espouse the cause of the transporters, since the petitioner merely contends that the petitioner's goods are transported via trucks, which are being detained and taxed unlawfully.

In view of the aforesaid observations, this Court finds that the petitioner has no *locus standi* to prefer the instant writ petition.

Accordingly, WPA No. 14973 of 2021 is dismissed in the light of the above observations.

It is made clear that the merits of the rival contentions of the parties have not been entered into since the writ petition is being dismissed primarily on the ground of *locus standi*.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)