

OD-19

WPO 388 of 2018
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MAYAVATI TRADING PRIVATE LIMITED
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 14th January, 2021.

APPEARANCE:

Mr. Pushan Kar, Adv.

Mr. Sagnik Majumdar, Adv.

Mr. T. Das, Adv.

Mr. Subrata Goswami, Adv.

The Court :- The petitioner is a private limited company. The grievance of the petitioner is directed against the permission granted by the West Bengal Heritage Commission to the respondent no.6 for construction of a building at premises no.59, Ballygunge Circular Road, Kolkata-19. The petitioner assails such permission on the ground that the same has been granted contrary to the West Bengal Heritage Commission Act, 2001.

The petitioner submits that it is the owner of the adjacent premises and has a right to develop the same. The petitioner alleges that its supposed rights are sought to be infringed due to the permission which has been granted to the respondent no.6.

Counsel appearing on behalf of the petitioner has been unable to demonstrate any ground which warrants interference by this Court. On the contrary, it is submitted by the parties that there is a substantive public interest litigation which has been filed pertaining to the very same premises being developed by the respondent no.6 and the permission granted by the Commission.

The Heritage Commission is also represented and submits that the permission which has been granted to the respondent no.6 is a conditional permission.

It is obvious that the issues raised in the petitioner add multiplicity and nothing more to the case of the petitioner. The petitioner alleges that it is a public spirited neighbour. The issue of the permission granted by the Heritage Commission is already pending before the Hon'ble Division Bench. I make no observation or finding in respect of the same. The petitioner in paragraph-2 of the petition has alleged that its right to develop its own premises is infringed if a multi-storied building complex is built on the adjoining land by the respondent no.6.

The issue of the validity of the permission granted to the respondent no.6 by the Heritage Commission is already pending before the Hon'ble Division Bench. I am of the view that the petitioner lacks any locus to maintain such a petition. The petitioner quite apparently is not a person aggrieved. The petitioner has no legal right to relief. The petitioner's right is not sought to be

affected in any manner whatsoever by the proposal to develop the building by the respondent no.6.

The petitioner may very well be a person annoyed but there is nothing to demonstrate that it is a person aggrieved. In any event, there are no pleadings nor is any case made out in the submissions of the petitioner which justifies that the petitioner has any legally enforceable right which is sought to be infringed. Such proceedings more often than not are filed simply to harass, annoy and persecute. It is unfortunate that on account of such proceedings initiated before the Courts innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of genuine litigants. Such persons with vested interest indulge in the pastime of meddling in the judicial process either by force of habit or for improper motive and try to bargain for a good deal as well as to enrich themselves. I find no cause of action made out by this public spirited Corporate neighbour. I find no enforceable legal right which the petitioner asserts to maintain in this petition. This is a mischievous petition and to my mind has been filed for oblique motives.

WPO 388 of 2018 is dismissed. There shall be no order as to costs.

(RAVI KRISHAN KAPUR, J.)