

17 **19.07.2022**

gd/ssd

WPA(P)/151/2022
DINESH DAS
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. S. Bhattacharya,
Mr. Debapriya Majumder
..for the Petitioner

Mr. Lalit Mohan Mahata,
Mr. Rudranil De
..for the State

This public interest petition was filed by one of the residents of the locality stating that next to the petitioner's residence in Plot Nos.969, 973, 974 and 976 under Polta Mouza a new parking and logistic transit hub is being constructed without adhering to the proper precaution and without any clearance and safety measures. It was also alleged that the construction was being illegally done by filling up two natural water bodies which will be a threat the environment and in this background the prayer was made to quash and set aside the entire work.

On the direction of this Court, a report in the form of affidavit has been filed by the Block Development Officer i.e. respondent no.4 disclosing therein that most of the lands is "danga" (high and dry land) and one of the plot is cultivable land. It is also disclosed that there is no water body existing on the land in question and

there are also no big trees existing and no tree has fallen in the process. There is no existence of any water pipeline as alleged in the petition under the land in question. It has been disclosed that there were several accidents, therefore, in order to reduce the same parking hub is being constructed. It has also been stated that the parking site is under construction and it is situated on the left side of the Bongaon to Chakdah road which is next to the petitioner's resident and the spot is not densely populated.

No material has been placed before this Court by the petitioner to controvert the above report nor any prayer has been made to file exception to the report.

Hence, we find that the petitioner has approached this Court with incorrect factual averments. In view of the facts which are disclosed in the report, we find that no direction as prayed for in the writ petition is required.

Hence, the writ petition is dismissed with costs of Rs.25,000/- which will be deposited by the petitioner with the Secretary, West Bengal State Legal Services Authority within four weeks.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

