

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

WPA(P) 455 of 2022

Reserved on: 20.09.2022

Pronounced on: 28.09.2022

Manas Kumar Das

...Petitioner

-Vs-

The State of West Bengal and Others

...Respondents

Present:-

Mr. Samim Ahmed,
Mr. Aranab Sinha,
Mr. Dyatiman Banerjee,
Mr. Nepesh Majhi,
Mr. Mukut Biswas, Advocates

... for the petitioner

Mr. S.N. Mookherjee, Id. AG
Mr. Amitesh Banerjee, Sr. Advocate
Mr. Anirban Ray, GP
Mr. Nilotpal Chatterjee,
Mr. Debraj Sahu, Advocates

... for the State

Mr. Arunava Ghosh,
Mr. Ananta Kumar Shaw,
Mr. Mainak Ganguli,
Mr. Adil Rahman,
Mr. Priyanjit Kundu, Advocates

... for the respondent Nos. 3 & 6

Mr. Arabinda Chatterjee, Sr. Advocate
Mr. Arkadipta Sengupta,
Mr. Ashutosh Pal,
Ms. Deboleena Ghosh, Advocates

... for the respondent No. 7

Mr. Kishore Dutta, Sr. Advocate
Ms. Sunita Shaw,
Mr. Soumen Chatterjee, Advocates

... for the respondent No. 8

Coram: THE HON'BLE JUSTICE PRAKASH SHRIVASTAVA,
CHIEF JUSTICE
THE HON'BLE JUSTICE RAJARSHI BHARADWAJ,
JUDGE

Prakash Shrivastava, CJ:

1. The petitioner claiming himself to be a social activist has filed this public interest petition alleging that the private respondents, through their agents including the staff of Municipality, are charging huge amount as cut-money from each developer intending to raise construction within the Bolpur Municipality. There is a further allegation that on account of the influence of the respondent No. 8 nobody dares to protest or object. It is further alleged that the money is being received in the name of donations from the developers and that the major part of the money collected from the developers goes to the coffers of the respondent No. 8. Hence, in the writ petition, prayer has been made to direct the respondent Nos. 4 and 6 i.e. Central Bureau of Investigation and Directorate of Enforcement to investigate into the affairs of the Bolpur Municipality.

2. Learned Counsel for the petitioner referring to the receipt dated 25.02.2022 annexure P1 has submitted that amount has been received from the developer in the name of donation and even the receipt has been issued in this regard which requires investigation. Further submission of learned Counsel for the petitioner is that the money collected in the name of donation is not credited to the account of Bolpur Municipality but the same goes as cut-money to the political leaders. He has further referred to another receipt dated 25th of February, 2022 and has submitted that the sanction fee charged for the building plan enclosed with annexure P1 is in excess of the fee payable in terms of applicable rules.

3. Opposing the prayer, learned Advocate General has submitted that such donations are permissible under the Act.

4. Learned Counsel appearing for the Bolpur Municipality has also submitted that the donations are received as per the provisions of the Act and that the accounts are maintained and audited and the Bolpur Municipality has no objection in supplying the relevant information to the petitioner if the petitioner makes an application in this regard.

5. Learned Counsel for the respondent No. 8 has submitted that no material has been disclosed connecting the respondent No. 8 with the allegation.

6. Learned Counsel for the respondent No. 7 has also submitted that he has been unnecessarily robbed in and that after 2021 online applications for building permission are submitted in the Municipality.

7. We have heard the learned Counsel for the parties and perused the record.

8. The main allegation in the writ petition relates to receipt of donations and much reliance has been placed on donation receipt dated 25.02.2022. The stand of the responded is that such donations to the Municipality are permissible in terms of Section 70A and the same are utilized in the manner provided under Section 70B and managed as per the provisions of Section 70C of the West Bengal Municipal Act, 1993. That apart, we also find that though the allegations have been made that the respondent No. 6 to 8 are instrumental in getting these donations but no material in support of the plea has been placed on record.

9. So far as the allegation that the funds collected in the name of donation are diverted to the private respondent, learned Counsel for the Bolpur Municipality has already stated before this Court that on making the application by the petitioner, they are ready to supply all the

requisite information concerning collection of funds in the name of donation and its utilization.

10. In the aforesaid circumstances, we find that the allegations in the writ petition at this stage is not supported by the authentic material. Hence, we dispose of the present petition by permitting the petitioner to file an appropriate application before the respondent No. 3 for supply of information relating to collection of donation and utilization of the donation amount by the Bolpur Municipality for the past years and on receipt of such an application the respondent No. 3 will duly supply the information so demanded as per the statement already made before this Court. On scrutiny of the same if the petitioner finds any case is made out to agitate the issue in the public interest petition, then he would be at liberty to approach this Court again with the relevant material.

11. The petition is accordingly disposed of.

(PRAKASH SHRIVASTAVA)
CHIEF JUSTICE

(RAJARSHI BHARADWAJ)
JUDGE

Kolkata
28.09.2022

PA(SS)

(A.F.R. / N.A.F.R.)