

November 7, 2022
Item No. 30
Court No.1
PA(RB)

WPA (P) 488 of 2022

Shri Anup Laheri and Anr.

vs.

The State of West Bengal and Others

Mr. Kishore Dutta, Sr. Advocate
Mr. Sanjib Chakraborty,
Mr. Aditya Mondal,
Mr. Deeptangshu Kar, Advocates
... for the petitioner

Mr. Jaharlal De,
Mr. Supratim Dhar, Advocates
...for the State

Mr. Raja Saha,
Mrs. Arpita Saha,
Mr. Sanjay Mukherjee, Advocates
... for the Siliguri Jalpaiguri Development Authority

Mr. Ratnanko Banerji, Sr. Advocate
Mr. Deepan Kumar Sarkar,
Mr. Ayush Jain
Ms. Arti Bhattacharyya,
Mr. Aranya Sinha, Advocates
... for the respondent no. 8

Mr. Debashis Kundu, Sr. Advocate
Mr. Joyjit Chowdhury,
Ms. Ayushi Kundu, Advocates
... for the respondent no. 9

Mr. Aniruddha Chatterjee,
Mr. Surya Prasad Chattopadhyay
Mr. Subham Ghosh
Mr. Arjun Samanta
Mr. Ankit Chatterjee, Advocates
... for the respondent nos. 10 to 13

In this public interest petition, the petitioner has raised the plea that Uttorayan township project was sanctioned in 2004 for constructing a satellite township with approximately 4,000 residential units in different

phases. As per the sanction plan, the area was earmarked for central park shopping centre I and shopping centre II. The shopping centres were not built depriving the residents of the locality of the facility of fetching daily needs from the shopping centres. Further case of the petitioner is that the concerned respondents had surreptitiously modified the plan in 2008 and given up the construction of shopping centres I and II. It is further alleged that the concerned respondents have granted sanction for construction of residential houses in the earmarked area which is impermissible under the original plan of 2004. The grievance of the petitioner is that the land which was earmarked as local shopping centres I and II in the original master plan of 2004 has been assigned to the third parties in violation of the statutory provision. Hence, in the public interest petition, the prayer is to cancel the modification plan of 2008 and to stop the construction of the residential units on the plots in question.

Having heard the learned counsel for the parties and on perusal of the record, it is noticed that the affected parties have already filed the writ petitions challenging the revised master plan and also seeking a direction to the concerned respondent not to sanction future amendments to the original master plan of 2004 of the Uttorayan township without obtaining the consent of all the respondents. Prayers made in WPA 988 of 2019 in the

case of Chandmoni Uttorayan Welfare Society vs. State of West Bengal & Others, WPA 189 of 2022 in the case of Shri Tapan Das and Another vs. State of West Bengal and Others, WPA 307 of 2022 in the case of Shri Tapan Das and Another vs. State of West Bengal and Others and WPA 1037 of 2022 in the case of Chandmoni Uttorayan Welfare Society vs. State of West Bengal & Others reveal that the permissions granted to the third parties for construction on the plot in question have also been challenged and prayers are also made for demolishing the construction already made in those plots, a writ of mandamus has also been sought seeking a direction to the concerned respondents to construct local shopping centre I and local shopping centre II on the land earmarked for these local shopping centres in terms of the original master plan of 2004.

It has not been disputed that learned senior counsel appearing for the petitioner in this PIL is one of the counsel appearing in the pending writ petitions before the learned Single Judge.

In the circumstances of the case, we are of the opinion that parallel proceedings before the Division Bench by way of public interest petition will not serve the cause of justice when the learned Single Judge is already examining the relevant issues at the instance of the affected parties. Hence, the present PIL is dismissed, however, with liberty to the petitioner to approach this

Court again, if after the decision of the learned Single Judge, any issue relating to public interest is found to be unaddressed.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]