

November 21, 2022
Sl. No. 19
Court No.1
s.biswas

WPA (P) 537 of 2022

Bibechya Tapadar
vs.
The State of West Bengal and others

Mr. Debasis Sur,
Mr. Hare Krishna Halder,
Mr. Himadri Sekhar Paul, Advocates

... for the petitioner

Mr. Jahar Lal De,
Mr. Supratim Dhar, Advocates

... for the State

The affidavit of service filed by the petitioner is taken on record.

In this public interest petition the petitioner has made an allegation that the private respondents have raised unauthorized construction on the public pond. In the body of the petition the petitioner has sought a direction for demarcation of the plot as well as alleged public pond and removal of the illegal encroachment.

Learned counsel for the State has pointed out that it is a private dispute between the co-owners of the pond in question.

That apart, we also find that the petitioner has filed the present public interest petition without approaching any competent authority against his grievance relating to illegal construction on the alleged public pond. The reliance of the learned counsel for the petitioner on the representation Annexure P-2 at page 30 of the petition is also misplaced because in that representation he has failed to point out any

avermment about any illegal construction on the public land.

Hence in the aforesaid circumstances of the case, we find no good ground to entertain the present public interest petition at this stage, which is accordingly dismissed, however with liberty to the petitioner to approach the appropriate authority for redressal of grievance.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)