

05.06.2023

Item No.2

Ct. No.1

PG/KS

W.P.A.(P) 207 of 2023

Prem Chand Agarwal

Vs.

The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.

Mr. Rabi Sankar Chatterjee

Mr. Sayan Chatterjee

Mr. Aninda Sundar Das

Ms. Esha Das

Mr. Kaustav Sen

.....for the Petitioner

Mr. Jahar Lal De

Ms. Debarati Sen (Bose)

.....for the State

Mr. Alak Kumar Ghosh

Mr. Debangshu Mondal

.....for the Kolkata Municipal Corporation

1. By this public interest litigation, the petitioner seeks for restoration of a park called as Mohammed Ali Park so that the park can be put to use by the general public of the area and it is stated that during Durga Puja festival, pandals are erected in the said area and people offer their prayers.
2. The learned advocate appearing for the respondents/Municipal Corporation submitted that in the area where the park is situated, there is an underground water reservoir, which is

under the control of the Water Supply Department of the Kolkata Municipal Corporation and there are certain repairs being done to the said underground water reservoir for which purpose the park has now been closed for access to the general public.

3. If an area has been earmarked as a park, it goes without saying that it is the duty of the local body viz. the Kolkata Municipal Corporation to maintain the same as such without affecting its characteristics. We are also conscious of the fact that a water reservoir is also required for the public good and applying the doctrine of sustainable development, the underground water reservoir situated in the park area should also be maintained in a proper manner. Therefore, we are of the view that the following directions would meet the ends of justice:
4. Accordingly, there will be a direction to the respondents/Kolkata Municipal Corporation to speed up the repair work of the underground water reservoir in the Mohammed Ali Park and ensure that the work is completed preferably within a period of three months from the date of receipt of server copy of this order and after which the park shall be restored to its original

position so that the general public shall be entitled to access the park.

5. With the above directions, the writ petition stands disposed of.
6. No order as to costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities..

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)