

17.07.2023
Item No.6
gd/ssd

WPA(P)/343/2023

MUKESH PASWAN
VS
STATE OF WEST BENGAL AND ORS.

Mr. Atarup Banerjee,
Mr. Sunny Nandy,
Mr. Tamal Singha Roy,
Ms. Anjela Bhattacharyya
..for the Petitioner.

Mr. Samrat Sen, Id. AAAG,
Ms. Parna Roychowdhury
..for the State.

Mr. Probal Mukherjee,
Mr. Ashok Kumar Jena
..for the Respondent Nos.5 to 7.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder
..for the Third Parties.

1. By way of a public interest litigation the petitioner points out that in the land owned by the respondent Port Trust there is illegal parking of trucks and other illegal activities have been carried on and no action has been taken by the Port Trust authorities or by the police authorities.

2. In paragraphs 8 and 10 the petitioner has mentioned the names of three alleged transporters stating that they are transporting illegal and banned items and has also given the truck number. Such an

allegation has been made against third parties who have not been impleaded as respondents in the writ petition.

3. In any event the writ petition cannot be treated as public interest litigation as the petitioner has named certain third parties who are alleged to have been illegally and forcibly parking their trucks at the Ramkrishnapur Ghat area and it is alleged that they were caught by Bangladesh Customs for transporting illegal and banned items such as liquor, banned medicine and many other items. If there is any illegality which is occurring in the land belonged to the respondent Port Trust, it is the Port Trust which has to take action in accordance with law. Therefore, the respondent Port Trust shall examine the issues which has been flagged in the writ petition by the petitioner and if any illegality is being perpetrated in the premises owned by the respondent Port Trust, necessary action be taken in accordance with law.

4. Needless to state that the respondent Port Trust shall conduct surprise inspection of the area in question and ensure that the premises owned by the respondent Port Trust is not put to any illegal use.

5. The learned advocate appearing for the third parties, whose names have been mentioned in the writ petition, would submit that the allegations made against those third parties are emphatically denied.

6. With the above direction, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)