

11.07.2023
Item No.11
RP
Ct. No.1

WPA (P) 349 of 2023

**JAGADISH CHADRA BASU & ORS.
VS.
THE STATE OF WEST BENGAL & ORS.**

Ms. Mousumi Bhowal
Mr. A. Gupta
... for Petitioners

Mr. S.N. Mookherjee, Ld. A.G.
Mr. Somnath Ganguli, AGP
... For State
Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag
... For Bidhannagar Municipal Corporation

1. The petitioners by way of filing this public interest litigation seek to question the orders passed by Bidhannagar Municipal Corporation wherein an order has been passed directing the occupiers of the subject plot of land to vacate the premises within the time frame after which the concerned occupier will demolish the unauthorized structure without sanction plan within a further period of four weeks, failing which the municipal corporation will take appropriate steps without any further reference to the occupiers as per the provisions of relevant rules and acts to demolish the unauthorized structure and recover the expenses of such demolition from the occupiers as per the

provisions of the West Bengal Municipal Corporation Act, 2006.

2. Earlier before filing of this public interest litigation another public interest litigation, being WPA(P) 2 of 2020, was filed before this Court, which was heard along with WPA 4364 of 2020. In the said public interest litigation, it was highlighted that there was rampant violation of the rules and regulations and unauthorised constructions have been put up by several peoples within the jurisdiction of Bidhannagar Municipal Corporation. In the said public interest litigation various orders were passed from time to time and in the order dated 6.6.2023 directions were issued to the Municipal Corporation to take appropriate steps against the unauthorized construction. There is also a specific direction in the said order that filing of any writ petition challenging any of the orders passed by the municipal corporation pursuant to the direction issued in the public interest litigation shall be listed before this Bench and to be heard along with WPA(P) 2 of 2020. In the light of the said direction, the petitioners have moved this public interest litigation before this Court but the said writ petition has been styled as a public interest litigation which is not maintainable.

3. The petitioners, who are 185 in number, have all been served with individual order by the respondent municipal corporation and all those orders are not subject matter of challenge and the petitioners have enclosed seven orders and they seek to challenge the said orders on certain grounds. It is seen that each case has to be decided on its own fact and an omnibus challenge to the orders passed by the municipal corporation is not maintainable. Therefore, we sustain the objection raised by the learned advocate for the respondent municipal corporation and hold that the writ petition is not maintainable.
4. In the light of the above, this writ petition is not maintainable and the same is **dismissed**. However, dismissal of this writ petition will not prevent the individual occupier to agitate his/her grievance against the orders passed by the municipal corporation in the manner known to law.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)