

18.09.2023  
Item No.39  
RP/AN  
Ct. No.1

**WPA(P) 480 of 2023**

**Santoshpur Udbastu Unnayan Samity & Anr.  
Vs.  
The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee  
Mr. Indranil Munshi  
Mr. Dipankar Das  
... for Petitioners

Mr. Debasish Kundu, Sr. Adv.  
Mr. Jayanty Nr. Mahanty  
Ms. Pratiti Das  
... for Respondent No.8

Mr. Kishore Datta  
Mr. Supratim Dhar  
... for respondent no.9

Mr. Amal Kumar Sen  
Mr. Lalmohan Basu  
... for State

1. The petitioners' grievance is that the land, which has been earmarked for 'Children Park', is sought to be utilized for putting up construction of a community hall. There was an earlier round of litigation at the instance of the very same writ petitioners in WP 9043 (W) of 2016 which was disposed of by a judgement dated 10<sup>th</sup> March, 2017. In paragraph 20 of the said judgement the Hon'ble Division held that the nature and character of the plot number being LOP 494 of 622 which stands recorded as a children's park in the lay out map of Refugee Relief & Rehabilitation Department

of the Government of West Bengal cannot be altered and no permission can be granted for construction of a community hall upon the said plot without alteration of classification of the plot in strict consonance of the statutory provisions. The learned government counsel has produced certain documents from which it is seen that there has been an inter-departmental transfer of government land in favour of the Urban Development Department & Municipal Affairs. Copies of those orders have been furnished to the learned advocate appearing for the writ petitioners.

2. In the light of the above, the petitioners are granted liberty to challenge the said order before the appropriate forum by way of a separate writ petition.
3. Learned advocate for the respondent submitted that any challenge to any of the orders passed by the authorities cannot be made by way of writ petition but has to be before the appropriate authority under the provisions of West Bengal Land Reforms Act. The learned advocate appearing for the petitioners submitted that the petitioners are public interest litigants and such embargo will not

apply to the public interest litigation. This question is left open.

4. The writ petition is, thus, disposed of.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**