

08 25.09.2023
Ct. No. 01

AN

WPA(P) 501 of 2023

Dhirajauddni Sekh & anr.
Vs.
State of West Bengal & ors.

Mr. Samrat Chowdhury
Mr. Abhijit Bhattacharya
... for the petitioners

Mr. Arka Kumar Nag
Mr. S. Banerjee
... for the State

Mr. Uday Sankar Chatterjee
Mr. Suman Sankar Chatterjee
Mr. Subhayu Das
Mr. Asha Deep Karmakar
... for respondent nos. 11 & 12

1. By this writ petition styled as a Public Interest Litigation, the petitioner alleges that the private respondents viz. 11 to 15 are illegally stocking sand in an agricultural land.

2. Learned counsel appearing for the private respondents would vehemently oppose the prayers sought for in the writ petition and would submit that the writ petition has only been filed to extort money from the private respondents who have been granted permission to excavate sand and store in certain plot numbers in the District of Purba Burdwan. In this regard, a sample permission for processing/stock point dated 13.06.2023 has been produced which shows that several plot numbers in the District of Purba Burdwan have been approved as stock point.

3. Learned counsel representing the State would submit that there is no stock of sand and, in this regard, he has filed a report of the Officer-in-Charge, Galsi Police Station, Purba Burdwan dated 21.09.2023 stating that the sand point store in an approved stock point and there is no traffic obstruction in the Paraj-Shillya Road due to storage of sand as alleged by the writ petitioners. As long as the private respondents are storing the sand in an approved stock point, the petitioners cannot object to the same. However, if the petitioners are genuine public interest litigants, they have to question the orders passed by the Authorities approving the stock point and in this writ petition no direction as sought for can be granted.

4. With the above observations, the writ petition stands **dismissed**.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)