

25.09.2023
Item No.10
RP/AN
Ct. No.1

WPA(P) 505 of 2023

Bimal Mondal & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Sukanta Chakraborty
Mr. Zubair Ahmed
... for Petitioners

Mr. Lalit Mohan Mahata
Mr. Rudranil De
... for State

Mr. Samim Ahmmed
Mr. Arka Maity
Ms. Gulsanwara Pervin
Mr. Arka Ranjan Bhattacharya
... for respondent nos.10, 11, 12

1. By way of filing this public interest litigation the writ petitioners in effect are seeking review of the order dated 18th April, 2023 passed by this Court in WPA(P) 347 of 2022 whereby direction was issued for restoration of the plots in question as water body.
2. The learned counsel appearing for the petitioners would submit that there is some arrangement made by the petitioners with neighbouring land owner, who is ready to gift a portion of his land for construction of the compensatory water body.
3. In our view, by way of this public interest litigation the petitioners cannot be allowed to seek review of the order dated 18th April, 2023, which was passed

in a public interest litigation after taking note of the fact that the land in question has been classified as “Khal” and this Court has held that though water may not be flowing through the canal, there can be no reason to convert the “khal” into any other use. Therefore, the prayer sought for in the writ petition cannot be granted.

4. This writ petition is, thus, dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)