

25.09.2023
Item No.11
RP/AN
Ct. No.1

WPA(P) 509 of 2023

**Ananda Kumar Samanta & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Dinesh Pani
... for Petitioners

Mr. Samrat Sen, Sr.Adv., Ld.AAG
Mr. N.C. Bihani
Mrs. P.B. Bihani
... for State

1. By way of filing this public interest litigation the writ petitioners seek for formation of a canal/channel for drainage of water to prevent waterlogging.
2. The learned counsel appearing for the petitioners would submit that the problem is persisting since pre-independence and they seek for appropriate direction from this Court to direct the respondent authorities to cut a canal starting from plot no.504 of Mouza-Uttar Maitana, Bhuniajibard and join the drainage canal with Sonamuikhal length 2.5 K.M. under Ramnagar-II block, Purba Medinipur.
3. The learned counsel appearing for the respondent/State submits that the claim of the petitioners is a stale claim as the petitioners themselves have admitted that the problem is persisting since pre-independence. By placing

reliance on the decision of the Hon'ble Supreme Court in the case of C. Jacob vs. Director of Geology and Mining and Anr. Reported in (2008) 10 SCC 115 it is submitted that the Court should not issue directions for consideration of representation without examining the merits of the matter.

4. Admittedly, the claim made by the petitioners at this juncture appears to be a belated claim. However, in the annexure to the writ petition we find that several representations have been submitted by the petitioners as well as certain other organizations from 2002 onwards. Considering the nature of the prayer sought for, this Court cannot issue any positive direction to the respondent authorities for formation of a drainage canal as it is a mega project and several factors have to be examined which are at best to be left to the decisions of the experts in the field and the Court cannot substitute its opinion with that of the opinion which may be formed by the experts.
5. One of the documents annexed to the writ petition as Annexure P-7 is a proposal dated 9th October, 2013 and the same is said to have been drawn by the writ petitioner no.1, namely, Ananda Kumar Samanta. It is not clear as to in what jurisdiction the writ petitioner no.1 has drawn such a proposal.

6. Be that as it may, in the representation the writ petitioner no.1 represents himself as the Regional Co-ordinator, International Court of Jurists, Eastern Territory, India Chapter. It is not clear as to on what basis the petitioner no.1 claims himself as Regional Co-ordinator, International Court of Jurists, Eastern Territory, India Chapter. Prima facie, such claim of the petitioner no.1 appears to mislead the authorities or to threaten the authorities. It is not clear as to what is the nature of organisation calling International Court of Jurists to which the petitioner no.1 claims to be a Regional Co-ordinator, International Court of Jurists, Eastern Territory, India Chapter. We would direct the writ petitioner no.1 not to represent himself as a Regional Co-ordinator, International Court of Jurists, Eastern Territory, India Chapter in any of the communication which he may send to the authorities. Having said so we find that a mass representation has been received by the Sub-Divisional Officer, Contai and the same has been forwarded to the Additional District Magistrate (Genl.), Purba Medinipur by the Sub-Divisional Officer, Contai by memo dated 24.08.2023. It is doubtful as to whether the Additional District Magistrate (Genl.) would be competent to conceive such a project, as it would

be in the exclusive domain of the State Government to conceive such a project. Therefore, no useful purpose would be served directing the said representation to be considered by the Additional District Magistrate (Genl.), Purba Medinipur. Therefore, at this juncture, no relief as sought for by the writ petitioners in the writ petition can be granted. However, the petitioners are at liberty to approach the Government with appropriate representation.

7. With the above observations, this writ petition is disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)