

WPA (P) 531 of 2022

**Pradip Bhattacharya
Vs.
The State of West Bengal & Ors.**

Ms. Reshmi Ghosh
Mr. Soumya Sankar Chini

... ... for the petitioner

Mr. Jahar Lal De
Mr. Supratim Dhar

... ... for the State

In this petition in the name of public interest the petitioner has come up with the plea that the land in question was purchased by the grand-father. The petitioner's brother and sister, namely, Dipak Bhattacharjee and Amrita Bhattacharjee respectively had received the same in gift.

Further plea has been raised that there was some settlement and full settlement was not entered into the deed of gift due to the typographical mistake and that the private respondents are taking advantage of this. In the petition it has been alleged that the private respondents are raising illegal construction on the plot in question.

Submission of learned counsel for the petitioner is that the land belongs to the petitioner's brother and sister and the petitioner has no personal interest in the matter, therefore it is a public interest petition and that there is dispute relating to the land record, therefore the petition should be entertained.

Learned counsel for the State has pointed out that the brother and sister of the petitioner had earlier filed

two petitions in which appropriate orders were passed by the Court and it is private dispute which is sought to be raised. According to him the land in question is a vested land belonging to the State which has been leased out for 99 years in favour of Phanindra Chandra Das.

Having heard the learned counsel for the parties and on perusal of the record, it is noticed that earlier Dipak Bhattacharjee and Amrita Bhattacharjee had filed WP 3452 (W) of 2016 with the allegation that the private respondent therein had illegally made construction on the land of the petitioner. That petition was disposed of with liberty to the petitioner to take appropriate steps in accordance with law before the concerned authorities. Again WP 21907 (W) of 2017 was filed by Dipak Bhattacharjee and Amrita Bhattacharjee with the allegation that the private respondent therein was raising illegal construction thereupon and the said petition was also disposed of directing the concerned authorities to decide the petitioner's representation. The cause title of the present petition and the petitions filed earlier reveal that the petitioner and his brother and sister are residing at the same address.

It has also been pointed out by learned counsel for the State referring to the documents enclosed with this petition that it is a petition set up by the brother and sister of the petitioner to raise their personal cause in PIL.

A perusal of the petition reveals that it is pure private civil dispute which is sought to be agitated in the PIL which is not permissible in law.

We, therefore, find that the petition is not a bona fide petition and no public interest is involved in the matter. Hence, the petition is dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)