

60 14.08.2023
AN Ct. No. 01
RP

WPA (P) 626 of 2022

Gourhari Das & ors.
Vs.
State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
... For the Petitioners

Mr. Monish Sen
Mr. Arijit Dey
... For the respondent 11 & 12

Mr. Lalit Mohan Mahata
Mr. Rudranil Dey
... For the State

1. We have heard the learned counsel for the parties.

2. By this writ petition styled as a Public Interest Litigation, the petitioner alleges that the private respondents have put up illegal construction over a water course. An inspection has been conducted and a report has been submitted on 01.12.2022 and the report in the form of an affidavit has also been filed by the Block Development Officer and the Executive Officer of Dantan-II Panchayat Samity.

3. On going through the report, it is seen that the writ petitioner was once an illegal occupant of the same place and he and others took Rs. 1,25,000/- (Rupees one lakh twenty five thousand only) from the descendants of Priyalata Sau – namely Debakinandan Sau, Sibani Sau, Nirmala Sau, Soma Sau, Santu Sau and Ghanashyam Sau to get evicted from that place.

4. Therefore, it is submitted that the present writ

petition is not a genuine Public Interest Litigation.

5. Learned counsel appearing for the petitioner would vehemently submit that the said allegation is absolutely false and exception to the said report has also been filed. In any event, the authorities upon inspection have found that there is no blockage to the water drainage of the drainage range, nayanjuli. However, with regard to the nature of the construction which has been put up by the private respondents, the authorities are at liberty to take action in accordance with law, if there is no illegal construction without any planning permission.

6. With the above observations, the writ petition stands dismissed.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)