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WPA(P)/644/2022
ABHIRAJ SUBBA
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Baidurya Ghosal,
Ms. Sweta Bhatta
..for the Petitioner.

Mr. Nilotpal Chatterjee,
Ms. Manali Ali
..for the State.

Mr. Arunava Banerjee,
Ms. Sudipa Nandi
..for the North Bengal University.

In this public interest petition the petitioner has objected to the transfer of five acres of land of the respondent no.3 i.e. University of North Bengal to the Department of Tourism, Government of West Bengal to establish a Hotel Management Institute, namely, "State Institute of Hotel Management".

Submission of learned counsel for the petitioner is that the University is transferring the land to a Society without any consideration and that the University itself should run the course instead of transferring it to the Society for running the Hotel Management Institute. A further plea has been raised that the University is falsely circulating misleading information that no land is being transferred and only the user right of the land is given to the Department of Tourism.

Learned counsel appearing for the University has stated before this Court that the University is not transferring the land to the Department of Tourism or the Society but only the user right is being transferred to set up the State Institute of Hotel Management. He submits that the decision has been taken by the Executive Committee of the University and the proposal has been sent to the Cabinet and the decision of the Cabinet is still awaiting.

Learned counsel for the University has also produced the minutes of 71st meeting of the Executive Council held on 25th November, 2022 wherein the report of the Study Team has been considered which mentions that SIHM is under the affiliation of the NCHMCT under the control of the Department of Tourism, Government of West Bengal and there is no private participation and control of any private players or companies in whatsoever matters of the Institution, whether regulatory, academic or otherwise.

Learned counsel for the State has also opposed the petition by submitting that it is an attempt by the private individuals to create hindrance in the entire process.

We have heard the learned counsel for the parties and perused the record.

The memorandum dated 7th September, 2022 on

record contains the proposal of the Tourism Department of the Government of West Bengal to establish a Hotel Management Institute under the aegis of the Society, namely, State Institute of Hotel Management, Siliguri in the campus of North Bengal University with a view to provide State of Art facilities in the field of Higher Education based on tourism. The said memorandum clearly states that permissive possession and user right of five acres of land will be granted with the condition that the land will be under the ownership of the North Bengal University and that the approval of the Cabinet will be needed.

Hence, we do not find the plea of the petitioner that the ownership of the land of the University is being transferred without consideration, supported by any cogent material. Further, the University should open its own department for imparting higher education based on tourism or a separate body should take up that responsibility, is a pure policy decision and this Court cannot compel the University to take up that responsibility. The plea which has been taken in this public interest petition and the prayer made therein are not supported by any statutory provision or legal right created in favour of the petitioner or any person who is not in a position to approach this Court.

Hence, we are of the opinion that no case for

entertaining the present public interest petition is made out which is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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