

02.05.2023
Item No.227
gd/ssd

WPA 7877 OF 2020
DEBOJYOTI ROY
VS
STATE OF WEST BENGAL & ORS.

Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar
..for the Petitioner.

Mr. Pratip Kumar Chatterjee
..for the Respondent No.3.

1. By this public interest litigation the petitioner seeks for a direction upon the respondents to construct a drain.

2. The report submitted by the 3rd respondent in the form of affidavit raises a very crucial issue regarding the petitioner's locus standi, his bona fide and the maintainability of the writ petition.

3. The petitioner appears to be a very powerful person in the area as his wife, Santana Roy who was an assistant teacher of the primary school, was also a member of the board of councilor of Kandi Municipality and she was also the vice-chairman and she was also acting as a chairman.

4. The allegation of the petitioner is that one Swapan Mondal had put up some construction and the report states that the construction is not a new construction but was in existence when the writ petitioner's wife was the councilor and vice-chairman.

All these issues will clearly disentitle the petitioner from approaching this Court as a public interest litigation.

5. We would have been well justified in dismissing the writ petition with exemplary cost but we do not propose to do so since the averments made in paragraph 5 of the report filed by the 3rd respondent where steps have already been taken to construct a pacca drain but, however, the appropriate authority could not proceed because the property was found to be a government land.

6. Therefore, we direct the concerned chairman of the Municipality to take appropriate steps for obtaining approval from the government and proceed to construct the pacca drain so that the public will be benefited.

7. With the above observation, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)