

D/L. 12.
February 29, 2024.
MNS.

WPA No. 2091 of 2024

Basudeb Dan
Vs.
The State of West Bengal and others
Mr. Moniruzzaman

... for the petitioner.

Mr. Samrat Sen,
Mr. Suman Sengupta,
Ms. Amrita Panja Moulick

...for the State.

1. Learned counsel for the petitioner submits that the petitioner donated a land for setting up a unit for the purpose of supply of piped water.
2. It is contended that thereafter the project proceeded substantially and plans have been sanctioned and other steps have been taken. However, without intimation to the petitioner, the respondent authorities are trying to shift the project to some other place to the detriment of the petitioner.
3. It is submitted that the unnecessary delay involved in shifting to some other place will affect the petitioner as well as all the other people in the neighbourhood, who are in deficiency of water supply.
4. Learned counsel for the respondents authorities places reliance on a copy of a

document, which is handed over to the court, and is taken on record, which indicates that the petitioner merely declared on a Rs.10/- stamp paper that he is willing to donate his land for the purpose of the said project.

5. It is contended that subsequently a different vested land has been found to be viable of the project, for which the project is being contemplated in the said other vested land.
6. It is submitted that in WPA(P) 527 of 2018, a Public Interest Litigation, by an order dated October 3, 2023, the Division Bench presided over by the Hon'ble the Chief Justice observed *inter alia* that location of the tubewell or the pump house or public offices are to be best left to the decision of the authorities concerned and it will not be proper for the court to substitute its views with that of the technical views of the authorities concerned.
7. Upon hearing learned counsel for the parties, the striking feature of the present case is brought out to be that the petitioner does not have any *locus standi* to move the petition inasmuch as no legal or constitutional right of the petitioner has been infringed by the respondent authorities.
8. Hence, the writ petition is devoid of any cause of action.

9. The respondent authorities have chosen a different plot than the petitioner's, which is submitted to be a vested land. It is entirely for the respondent authorities to determine where the unit shall be installed for the purpose of implementing the project for ground water based pipe water supply in the area-in-question.
10. There is no occasion for the court to unnecessarily interdict such discretion of the administration without any serious flaw in the same being pointed out.
11. Insofar as the petitioner's intention to donate his land, the same, although laudable, was inscribed merely on Rs.10/- stamp paper and as such no donation has taken place as yet.
12. Moreover, I do not find anything on records to interfere with the decision of the administration regarding which any palpable arbitrariness or unreasonableness has been portrayed before this Court.
13. In such view of the matter, WPA No. 2091 of 2024 is dismissed.
14. There will be no order as to costs.

15. Urgent photostat certified copies of this order,
if applied for, be made available to the parties
upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)