

29.02.2024
22
PG/KS
Ct. No.1

W.P.A.(P) 89 of 2024
Kanika Halder & Ors.
Versus
The State of West Bengal & Ors.

Mr. G. Ghosh
Ms. Renesa Dey

.....for the petitioners

Mr. Debjit Mukherjee
Ms. Priyanka Jana

.....for the State

Ms. Payel Hossain

.....for the respondent no.9

1. By this writ petition, filed as a public interest litigation by ten writ petitioners, they allege that the private respondent viz. the respondent no.9 herein is illegally putting up a wall in a public pathway.
2. Learned advocate appearing for the respondent no.9 pointed out that a writ petition was filed by the respondent no.9 in W.P.A. No.14933 of 2023 in which the writ petitioner nos.1, 8 and 10 were respondents and the writ petition was disposed of after perusing the report of the Block Land & Land Reforms Officer. Apart from that the Court also took note of the fact that a title suit is pending.
3. It is seen that the writ petitioner no.10/Srimati Singh wife of Radhanath Singh was the plaintiff in Title Suit No.89 of 2006 on the file of the Court of Civil Judge (Junior Division), Kakdwip, South 24 Parganas and the

suit was dismissed by judgment dated 23rd December, 2019 as against which, an appeal is pending. These facts have been completely suppressed by the writ petitioners particularly, the writ petitioner nos.1, 8 and 10.

4. Thus, considering the fact that there is a civil litigation pending between the parties and there were also an earlier order in the writ petition, this writ petition cannot be entertained as a public interest litigation and, therefore, it is dismissed. The writ petitioner no.1/Kanika Halder, writ petitioner no.8/Champabati Singha Halder and writ petitioner no.10/Srimati Singh are directed to pay a cost of Rs.10,000/- each to the District Legal Services Authority, South 24 Parganas within a period of 15 days from the date of receipt of server copy of this order.
5. With the above directions, writ petition is dismissed.
6. No costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)