

21.03.2024
Item No.17
gd/ssd

WPA(P)/123/2024
MD. AKIL
VS
SHYAMA PRASAD MUKHERJEE PORT
THROUGH ITS CHARIMAN AND ORS.

Ms. Poushali Banerjee
..for the Petitioner.

Mr. Jahar Lal De,
Mr. Amrita Lal Chatterjee
..for the State.

Mr. Alak Kumar Ghosh,
Mr. Arijit Dey
..for KMC.

1. By way of this public interest litigation which we are of the definite view is a proxy litigation the attempt is to grab a property owned by the Shyama Prasad Mukherjee Port Trust, Kolkata.

2. In fact, the Municipal Commissioner in the letter dated 15.01.2024 addressed to the Chairman of the Port has admitted that the land is under their ownership.

3. By this public interest litigation the petitioner seeks to give a colour as if the land is a playground and it has to be protected.

4. We find there is absolutely no bonafides in this public interest litigation. Apart from that, the Estate Manager of the Board of Major Port Authority for Shyama Prasad Mukherjee Port had filed a writ petition in WPA 963 of 2024 which was disposed of by order dated 16.01.2024 permitting the Port Authorities to put

up a boundary wall and also to provide adequate police assistance if there is any resistance.

5. Therefore, we find this public interest writ petition is a proxy litigation and there is no bonafide.

6. The Port Authorities are permitted to put up a boundary wall on the said property and the authority shall comply with the directions issued by the learned writ court in WPA 963 of 2024 dated 16.01.2024.

7. Though we would have been well justified in imposing exemplary cost on the writ petitioner, we refrain from doing so based on the submissions made on behalf of the learned advocate for the petitioner.

8. Accordingly, the same is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)