

29.04.2024
Item No.44
gd/ssd

MAT/527/2024
IA NO: CAN/1/2024
BASUDED DAN
VS
STATE OF WEST BENGAL AND ORS.

Mr. Moniruzzaman,
Mr. Jahangir Badsha
..for the Appellant.

Ms. Amrita Panja Moulick
..for the State.

1. This intra court appeal by the writ petitioner has been filed challenging an order passed in the writ petition wherein the appellant had objected to an alleged shifting of a project for supply of water.

2. According to the appellant, he had donated the land and his Mouza is located in the centre of the land which forms part of the other lands which were donated. All of a sudden the project has been shifted to another area.

3. The learned writ court refused to interfere with the said order by pointing out that it is for the authorities to take a decision and the court should not interdict such a process.

4. The learned advocate appearing for the State submitted that no deed of donation has been executed by the appellant, but he gave only a ten rupees stamp paper but the authorities were in the

lookout for a vested land and having got such a land where the project is to be implemented.

5. In any event, it is not for this court in exercise of its jurisdiction under Article 226 of the Constitution to decide where a public project has to be located and it is best left to the decision of the experts and the authorities.

6. However, it may be a different case where serious allegations of malafides are made against the particular person then the court may look into such a grievance. The case on hand does not fall within such exception.

7. The learned advocate for the appellant submitted that the people living in their area are not supplied with any proper water and there is a likelihood of there being deprived of supply of water if the project is implemented in the location selected by the authorities.

8. In any event, the authorities should ensure that all the general public are supplied with water and the people in the area where the appellant resides should also be entitled to supply of water.

9. Accordingly, the appeal stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)