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AN
RP

20.06.2024
Ct. No. 01

WPA(P) 208 of 2024

Barun Biswas
vs.
State of West Bengal & Ors.

Mr. Ajit Kumar Mishra
Mr. Abhishek Dey
Mr. Suprovat Banerjee
Mr. Kushagra Maskara

... for the petitioner

Mr. Sk. Md. Galib,
Mr. Abu Siddique Mallik

... for the State

Mr. Anirban Ray
Mr. Pijush Agarwal
Ms. Shrivalli Kajaria
Mr. Debojyoti Das

... for respondent nos. 3 & 4

Mr. Abhratosh Majumder, Id. Sr. Adv.
Mr. Jishnu Chowdhury
Mr. Saaqib Siddiqui

... for respondent nos. 5 & 6

1. We have heard learned counsel for the respective parties.

2. By this writ petition, filed as a Public Interest Litigation, the petitioner seeks for a direction upon the Central Bureau of Investigation (in short, the CBI) to investigate into the affairs of the 3rd respondent viz. New Town Kolkata Development Authority (in short, the NKDA).

3. It is submitted by the learned counsel appearing for the petitioner that there are gross malpractices, illegalities committed by the successful office bearers of the authority and this has been shielded, protected and not enquired into and, therefore, the matters is to be referred to the CBI. It is settled legal proposition that the investigation cannot be transferred to any independent agency either Central or State until and unless

the Court records a finding that the appropriate authority which is entitled to enquire into the matter has not performed its duties and obligations in a proper manner or in cases where the investigation does not inspire the confidence in the minds of the complainants or the aggrieved persons.

4. Therefore, the question of referring the matter to the CBI cannot be entertained and hence such prayer is rejected.

5. Learned counsel appearing for the petitioner would strenuously contend that in respect of the allegations which have been made against the NKDA, those are all duly supported by the documents. If such is the case, the petitioner should approach the Secretary, Department of Urban Development and Municipal Affairs, Government of West Bengal, the 2nd respondent herein and submit a comprehensive representation and set out as to how things have not been done properly by the NKDA. If such representation is submitted, the 2nd respondent shall consider the same and dispose of the same by passing a reasoned order within a period of six months from the date of the representation.

6. With the above observation and directions, the writ petition stands **disposed of**.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)