

01.08.2024
Item No.11
gd/ssd

WPA(P)/276/2024

ASLAM KADIR AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Swagata Datta
..for the Petitioners.

Mr. Anirban Ray,
Sk. Md. Galib,
Ms. Suvasree Ghose
..for the State.

Mr. Ashoke Kumar Chakraborty, Ld. ASGI,
Mr. Sukanta Chakraborty,
Mr. Tirtha pati Acharyya
..for the Union of India.

Ms. Ira Ghose
..for KMC.

Mr. Kaushik Modak,
Ms. Mousumi Pal
..for the Respondent No.21.

Mr. Haradhan Banerjee,
Mr. Subhadip Biswas,
Mr. Ratul Das,
Ms. Dpma Saha
..for the Respondent No.27.

1. This is the third time parties are
approaching this court for the selfsame cause of action
alleging that a water body has been filled up.

2. The first writ petition was heard by the Hon'ble Division Bench being WP 3452(W) of 2001 which was disposed of on 08.08.2013 giving liberty to the petitioners therein, namely, Samarendra Nath Roy Chowdhury and Others to file appropriate application with the competent authority and if the same was filed, the said application was directed to examine within the time frame.

3. Subsequently another person by name Gobindolal Sarkar filed a writ petition in WPO 277 of 2023 seeking to set aside the order of conversion dated 17.10.2019 passed by the Collector under Section 4C of the West Bengal Land Reforms Act, 1995.

4. The said writ petition was disposed of leaving it open to the said writ petition to challenge the order of conversion before the competent forum.

5. It is thereafter the present writ petition has been filed stating that the petitioners are the people who were directly affected.

6. It is pointed out by the learned advocate for the private respondents in para (xii) of page 20 of the writ petition the petitioners themselves have admitted that there is a civil litigation pending.

7. Considering all these facts, we are of the view that the said writ petition cannot be entertained as a public interest petition on the alleged ground that the petitioners are the social worker as well as the local

residents. As long as the order of conversion passed on 17.10.2019 has not been set aside, the question of issuing direction would not arise.

8. Therefore, the writ petition stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)