

29.08.2024
Item No.12
gd/ssd

WPA(P)/296/2024
SUBRATA MALLICK
VS
STATE OF WEST BENGAL AND ORS.

Mr. Saheb Banerjee
..for the Petitioner.

Mr. Sirsanya Bandopadhyay,
Mr. Debopriyo Karan
..for the State.

Mr. Rajarshi Dutta,
Mr. Pranav Sharma
..for the Respondent No.3.

1. By this writ petition the petitioner Mr. Subrata Mallick claiming himself to be an activist seeks for cancellation of the licence granted to the 3rd respondent/Hospital on the ground that in the indenture of lease dated 4th March, 2011 given by the Government of West Bengal there is a covenant stating that the land should be used purely for the purpose of erecting a building for institutional purpose (charitable dispensary for medical checkup and others).

2. According to the petitioner, commercial activities being carried on.

3. Firstly, we need to note the antecedents of the writ petitioner.

4. According to the 3rd respondent/Hospital, the writ petitioner had come to the hospital and demanded payment of money and which was resisted

by the hospital and in this regard, a complaint was also lodged with the police and FIR No.210 of 2023 was registered on 20th December, 2023 and the matter is still pending.

5. Earlier the petitioner had filed another public interest petition concerning the very same hospital which was dismissed.

6. The learned advocate for the hospital submitted that another indenture of the lease was executed by the Government of West Bengal on 5th August, 2023 and the hospital is being established and being conducted in the said property where there is no restriction.

7. In any event the bonafides of the petitioner is highly doubtful and the writ petition appears to be motivated for some other purpose.

8. Thus, this court is not inclined to entertain this writ petition.

8. Accordingly, the writ petition stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)