

19.12.2024
Item No.5
gd/ssd

WPA(P)/396/2024
BISWANATH SAHOO
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Phiroze Edulji,
Mr. Shamik Bagchi,
Mr. Dilip Kumar Mondal,
Mr. Shivam Mishra
..for the Petitioner.

Mr. Jahar lal De,
Ms. Debarati Sen (Bose)
..for the State.

Mr. Sankar Prasad Dalapati,
Mr. Sujit Bhunia,
Mr. Anindya Sundar Das,
Mr. Satyajit Mahata
..for the Respondent No.9.

Mr. Gautam Guria
..for the Respondent Nos.11-16.

1. By this writ petition styled as a public interest writ petition the petitioner alleges that the private respondents have encroached the land owned by the Public Works Department and also a canal which would fall within the jurisdiction of the Irrigation Department.

2. As rightly pointed out by the learned counsel appearing for the State, the Public Works Department or the Irrigation Department has not been impleaded as respondent.

3. Furthermore, the representation stated to have been given by the petitioner dated 12.08.2024 stated to be delivered by speed post on 13.08.2024 has not been addressed to the Public Works Department or the Irrigation Department.

4. Therefore, for such reason, the prayer sought for in the writ petition cannot be granted as the appropriate authority has not been impleaded as a party.

5. The learned advocate appearing for the 9th respondent submitted that the writ petition is a clear case of personal interest litigation and no public interest is involved.

6. Even assuming the submission is found to be right, if factually there is an encroachment of Government land, action has to be initiated by the authorities regardless the fact that there is any complaint made by any third party.

7. Accordingly, the writ petition stands dismissed.

8. However, this will not prevent the appropriate person to approach the Public Works Department and the Irrigation Department for necessary action.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)