

18.09.2024
Item No.2
Ct. No.15
S.A.

WPA 23228 of 2024

Ashok Chakraborty
-vs-
State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Pintu Karar
Mr. Akashdeep Mukherjee
Mr. Sabab Uddin Laskar
Ms. Sayani Manna
...for the petitioner

Mr. Suman Sengupta
Ms. Amrita Panja Moulick
...for respondent nos.1 to 6

Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee
...for respondent nos.7 & 8

Mr. Sarwar Jahan
Mr. Sayantan Hazra
...for respondent no.10

The petitioner challenges a tender process initiated by a notice dated January 30, 2024, from the Tarakeswar Development Authority for the "Reconstruction and Beautification Work of Natun Pukur," located within the Tarakeswar Temple Complex in the Tarakeswar municipality area.

Mr. Sabyasachi Chatterjee, learned advocate representing the petitioner, emphasises the record of rights (at page 26 of the writ petition) to argue that the petitioner has been granted a license regarding the relevant pond by the Tarakeswar Temple Estate. He contends that if the project is implemented, the petitioner will effectively be dispossessed from the property. Furthermore, he submits that he has

obtained an injunction order from a competent Civil Court restraining the deity of Tarakeswar Temple and other parties from disturbing his peaceful possession over the property.

In response, the learned advocate for the Tarakeswar Development Authority asserts that the pond in question has become a breeding ground for mosquitoes, necessitating an urgent beautification efforts.

On behalf of the Tarakeswar Estate, it is stated that the record of rights was corrected in March 2024 to remove the petitioner's name from the record. A copy of the corrected record has been submitted for consideration.

The State submits that although the tender was issued in January 2024, the petitioner approached this Court only after the work order had been assigned to private contractors.

It appears that the project is solely a beautification initiative by the Tarakeswar Development Authority.

In my view, such a project will not interfere with the rights, title, or interests of the parties involved in relation to the pond. This Court is not inclined to further examine the interests of the parties concerning the relevant pond.

Accordingly, this Court allow the Tarakeswar Development Authority to proceed with the project, without prejudice to the rights, title, and interests of the Tarakeswar Estate, the petitioner, or any other interested parties pertaining to the pond.

Accordingly, **WPA 23228 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)