

04.01.2024
Item No.46
RP/KC
Ct. No.1

WPA(P) 548 of 2022
Smt. Padma Nag @ Padma Bala Nag & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Madhumita Patra
Mr. Surojit Sengupta
.....for the petitioners
Mr. Jayanta Kumar Mitra, Sr. Adv.
Mr. Arindam Banerjee
Mr. Ankit Sureka
Ms. Antalina Guha
.....for Metropolitan Cooperative Housing Society Ltd.
Mr. Deepnath Roychowdhury
Mr. P.S. Pal
..... for State

1. By way of filing this public interest litigation the petitioners alleged that a water body has been illegally converted in a homestead land. Pursuant to the direction issued earlier a report in the form of affidavit has been filed by the fourth respondent from which we find that the conversion of the land in question took place during January 1986. When the matter was heard on 18th April, 2023 the Court was under an impression as if the conversion took place during pendency of the writ petitioner. Therefore, the fact emerges from the report which remains undisputed that the conversion was done in the year 1986. Therefore, at this juncture until and unless the petitioners challenge the order of conversion before the appropriate forum the petitioners cannot seek any relief and that too by way of public interest litigation
2. Accordingly, the writ petition is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(SUPRATIM BHATTACHARYA, J.)

