

06-02-2025
Item No.14
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.1459 of 2025
Subrata Jana

-vs-

The State of West Bengal & Ors.

Mr. Soumen Dutta
Mr. Rahul Banerjee ...for the petitioner

Mr. Rajarshi Basu
Mr. Shehnaz Tareq Mina ...for the State

Mr. Kanak Kiran Bandyopadhyay...for WBSEDCL

1. The petitioner alleges that the private respondent is running a submersible pump within the restricted zone of 200 metres from the pump that he is operating.
2. Over this issue, the petitioner had filed an earlier writ petition being WPA No.27365 of 2022 which stood disposed of by the Court on December 19, 2022 by directing WBSEDCL to hold an inspection and/or inquiry in order to assess and ascertain the veracity of the allegations of the petitioner.
3. The Court had further directed that in case any adverse step was required to be taken against the private respondent, a prior notice would be given to the private respondent.
4. In compliance of the said order, an inspection was conducted wherefrom it was found that the distance between the two subject submersible pumps was 172 metres, and that the zone where the private respondent's submersible pump was

operating falls within the safe category and, accordingly, no restriction was required to be maintained in operating the pump from that place.

5. The authority, accordingly, did not find anything adverse on the part of the private respondent and was not inclined to proceed with the matter any further.
6. However, the petitioner, by the instant writ petition, has come up with further allegation that the private respondent is operating his submersible pump without any required permit from the concerned authority.
7. It appears that the petitioner has not brought the aforesaid fact to the notice of the appropriate authority. Therefore, the writ court is not inclined to grant any relief to the petitioner at this stage.
8. It will be open for the petitioner to file comprehensive representation before the appropriate authority, in the event the petitioner notices any illegal act on the part of the private respondent in operating his submersible pump.
9. If any such representation is filed, the concerned authority shall consider the same in accordance with law.
10. The writ petition stands disposed of.
11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

