

20.03.2025
Item No.6
gd/ssd

WPA(P)/57/2025
KANTILAL GANGULY AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Tanmay Chowdhury
..for the Petitioners.

Mr. Jahar Lal De,
Mr. Shamim ul Bari
..for the State.

Mr. Rajendra Chaturvedi
..for Rishra Municipality.

1. The petitioners are all trustees of a particular trust and this is a second time petitioners are before this court alleging that the private respondents have illegally encroached into a water body.

2. The direction issued in the earlier writ petition was alleged to have not been complied with and contempt petition was filed and in the contempt petition it was brought to the notice of the court by the Rishra Municipality that there are several persons who have encroached and, therefore, direction was issued to issue notice to those persons and proceed with the matter.

3. Pursuant to which, action has been taken and notice has been issued on 22nd July, 2024.

4. What is interesting to note the private respondents are also trustees of the very same trust to the petitioners belong.

5. Therefore, this appears to be not a genuine public interest litigation but to vindicate certain personal grievances of the petitioners vis-à-vis the private respondents.

6. Therefore, the municipality cannot be faulted for as they have taken action and issued notice and they will take the matter to the logical end.

7. However, if the petitioners seek for immediate implementation of the direction, then the petitioners should deposit at least a minimum of Rs.1 crore with the Rishra Municipality. With those funds the municipality will take action in accordance with law.

8. With the above observations, the matter stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)