

27.03.2025
Item No.20
gd/ssd

WPA(P)/86/2025
DILIP KUMAR JANA AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Rudranil Dey,
Mr. Ziaul Haque,
Mr. Kartik Das
..for the Petitioners.

Mr. Sk. Md. Galib,
Ms. Priyamvada Singh
..for the State.

Mr. Uttam Kr. Bhattacharyya
.. for the Respondent Nos.4 and 5.

Mr. Bhaskar Ch. Manna,
Ms. Munmun Seth
..for the Respondent Nos.12 and 13.

1. This writ petition has been filed as a public interest litigation alleging that there is a blockage of drainage system by the private respondents and there is an illegal construction.

2. The very same issue in the subject matter in WPA 18943 of 2021 which was filed by the respondent nos.12 and 13 in this writ petition. In the said writ petition the present writ petitioners were also respondents and the writ petition was disposed of by the learned Single Bench of this court by order dated 22.6.2022. The operative portion of the order reads as follows:

“Having considered the rival contentions of the parties, this Court is of the view that the

police authorities must ensure that the villagers do not create any disturbance to the petitioners. However, if there is any complaint by the competent authority of the Purba Medinipur Zilla Parishad before the police authorities with regard to the alleged construction, the police authorities are at liberty to take further steps. The allegations of the respondent Nos.10 to 16 with regard to forgery, etc. are to be decided in a separate proceeding and before other fora. The respondent Nos.10 to 16 are at liberty to approach all the appropriate authorities with the allegations against the petitioners and the alleged construction, but the respondent Nos.10 to 16 villagers, cannot take the law in their own hands. The zilla parishad being an authority under Article 12 of the Constitution of India must 2022:CHC-AS:29653 4 ensure that the drainage system in the locality is not blocked by the alleged constructions of the petitioners.

This order shall not prevent the appropriate authorities from acting and proceeding against such construction, in accordance with law.

The writ petition is, thus, disposed of.”

3. Thus, in the light of the above order, if the petitioners have any grievance, they have to work out before the appropriate forum and the matter cannot be entertained as a public interest litigation.

4. Therefore, the writ petition is dismissed as not maintainable.

5. However, this will not prejudice the rights of the petitioners from working out their remedies in accordance with law.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)