

24.04.2025
Item No.05
PG/KS
Ct. No.1

W.P.A.(P) 112 of 2025
Ashes Mukherjee & Ors.
Versus
The State of West Bengal & ors.

Mr. Chandra Sekhar Bag
Mr. Sandip Ray
Mr. Antarik Dawn.....for the petitioners.

Mr. Anirban Ray, Ld. GP
Mr. Sk. Md. Galib, Ld. Sr. Govt. Adv.
Ms. Priyamvada Singh.....for the State

Mr. Arka Kr. Nag
Mr. Tirthankar Dey
Mr. S. Banerjee.....for the Bidhannagar Municipal
Corporation

1. This public interest litigation has been filed by three petitioners, the first of whom is stated to be an advocate and a former Councillor of Bidhannagar Municipal Corporation. The petitioner nos. 2 and 3 are stated to be the residents of Salt Lake area. The prayer sought for in the writ petition is for issuance of a writ of Mandamus to command the respondents to take a policy decision to segregate Bidhannagar Municipal Corporation from to Bidhannagar Municipality or Bidhannagar Municipal Corporation excluding Rajarhat-Gopalpur Municipality for the betterment of the citizens.
2. As stated by the petitioners themselves, the decision is in the nature of a policy decision. The question is whether a Writ Court exercising powers under Article

226 of the Constitution can direct the authorities to take a policy decision or to take a policy decision in a particular manner. The definite answer to both these questions is emphatic no. This Court is not empowered to take such a policy decision to see whether a particular Municipal Corporation should be formed with certain areas and whether certain areas have to be excluded from the existing Municipal Corporation. Indirectly, the petitioners' prayer would be to undertake a delimitation exercise.

3. The learned advocate appearing for the writ petitioners placed reliance on the decision of the Hon'ble Supreme Court in ***Delhi Development Authority, N.D. & Anr. Vs. Joint Action Committee, Allottee of Sfs*** reported in ***AIR 2008 SC 1343*** in support of his contention. We have carefully gone through the said decision of the Hon'ble Supreme Court and we find it is wholly inapplicable to the case on hand. In the said decision, the Hon'ble Supreme Court has pointed out four circumstances on which a policy decision is subject to judicial review. In the instant case, the petitioners seek for a direction upon the respondents to take a policy decision in a particular manner. Therefore, the said decision can have no application to the facts and circumstances of the case.
4. In any event, this Court cannot direct the respondents to take a policy decision, as prayed for. Therefore, the

prayers sought for in the writ petition cannot be granted and the writ petition is dismissed.

5. However, this will not prevent the petitioners from moving the appropriate authorities for necessary relief.

Apart from that, this writ petition cannot be treated as a full-fledged public interest litigation.

6. No costs.

7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)