

Court No. 8
03.09.2025
Item No.12
PA (Chamber)

WPA (P) No. 280 of 2021

Ankur Sharma
VS
The State of West Bengal & Ors.

Mr. Sandipan Das
Mr. R. Shaw
...for the Petitioner

Mr. Jahar Lal De
...for the State

Ms. Soumi Guha Thakurta
...for the Respondent No. 5

Mr. Pranit Bag
Mr. A.K. Mukherjee
...for the Respondent Nos. 6 & 7

Ms. Sonal Sinha,
Ms. S. Farooquee
... for SPCB

Mr. Abhrajit Mitra, Ld. Sr. Adv.
Mr. Arindam Banerjee,
Mr. S. Sarkar,
Mr. Aditya Kanodia
...for the Respondent No. 24

Dictated by Smita Das De, J.

1. Heard the learned counsel appearing on behalf of the petitioners and the respective parties.

2. The instant Public interest litigation has been filed by the petitioner praying inter alia for the following relief(s):-

“A) A Writ in the nature of Mandamus directing the Respondents their men, agents and subordinates to demolish all constructions raised at 449/A/1, G.T. Road, and 449/A/2, G.T. Road, Mahesh, P.S.-

Serampore, District- Hooghly near and at the river bank and bed;

B) A Writ in the nature of Mandamus directing the Respondents their men, agents and subordinates to cancel/quash/ rescind the amalgamation order being memo no. 2097/PW-63 dated 28.03.2017;

C) A Writ in the nature of Mandamus directing the Respondents their men, agents and subordinates to disclose the instrument by which the respondents nos. 21 to 24 were allowed to construct underpass beneath public roads as envisaged through the building plan of 449/A/1 G.T. Road and 449/A/2 G.T. Road, P.S. –Serampore, District-Hooghly;

D) A Writ of and/or in the nature of Mandamus directing the Respondents their men, agents and subordinates to cancel/quash/rescind the building plan granted to premises no. 449/A/1, G.T. Road and 449/A/2, G.T. Road and demolish all structures constructed thereat;

E) Ad-interim injunction restraining the respondent nos. 21 to 24 from creating any third party interests at premises no. 449/A/1 G.T. Road and 449/A/2 G.T. Road till disposal of this instant Public Interest Litigation;

F) A Writ in the nature of Mandamus directing the Respondents their men, agents and subordinates to direct the authorities to initiate proceedings immediately against the wrong doers;

G) A Writ in the nature of Certiorari directing the respondents to transmit the entire records of the case to this Hon'ble Court so that conscionable justice may be done;

H) Pass an order for investigation by any independent Central agency;

I) An interim order of stay against all construction at premises no. 449/A/1 G.T. Road and 449/A/2 G.T. Road, Serampore, Mahesh, PIN 712202

J) Rule NISI in terms of prayers (A) to (I) above;

K) Ad Interim orders in terms of prayers (A) to (I) above;

L) Such further order or orders and/or direction or directions as this Hon'ble court may deem fit and proper for the ends of justice;

M) Costs."

3. The main issue is with regard to the illegal encroachment and filling up of river bank across the river Hooghly at 449/A/1 G.T. Road, Mouza – Mahesh, P.S.-Serampore, District- Hooghly by flouting major provisions of law and norms related to the environment.

4. In a nutshell, a huge real estate project in the name and style of 'Alcove New Kolkata' has been constructed at the mentioned site by obstructing the land and the river bank by accumulating soil, sand and cement. A cemented private ghat has also been constructed spreading over 150 meters in length along the river Hooghly in violation of various orders passed by the Hon'ble National Green Tribunal Developers.

5. The continuous act of such accumulation at the adjacent ghat and the river bank created air pollution. Due to the dust and the cement particles of the construction the normal flow of the river is being hindered causing huge environmental damage to the said area and river Hooghly.

6. Pursuant to various orders passed by this Hon'ble Court the respective authority concerned filed their affidavit in opposition annexing the detailed action taken in respect of the issue involved herein.

7. From the affidavits it transpires that there was some violation in respect of such construction for which the West Bengal Pollution Control Board imposed an environmental compensation to the tune of Rs. 5 lakh on the private respondents being respondent No. 23 and 24 on account of damages caused to the environment and to the river Hooghly.

8. Upon bare perusal of the available records it reveals that the grievance of the petitioner has been redressed. The element of the enhancement of the environmental compensation on account of the damages remains to be considered of the imposition of the penalty can be agitated before the appropriate forum.

9. In view of the above the PIL is disposed of. However it is made clear that if any issue still survives then the petitioner shall avail the remedy available before any competent Court of law.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)