

30.07.2025
Item No.60
gd/ssd

WPA(P)/291/2025
SUDIPTA SAHARAY AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Subir Sanyal, Id. Sr. Adv
Ms. Soma Roy Chaudhuri,
Mr. Sumit Roy,
Mr. Sailen Naskar,
Ms. Payel Khanra
..for the Petitioners.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu
..for the State.

Mr. Abishek Prashad
..for the Respondent Nos.3 to 5.

Mr. Debanik Banerjee,
Mr. Aniruddha Ganguly,
Mr. Huzaifa Shahid
..for the Respondent Nos.7 to 9.

1. Heard on admission.
2. In this petition the petitioners have prayed for following reliefs.
3. The learned counsel for the petitioners fairly submitted that earlier a regular writ petition under Article 226 of the Constitution was filed which was registered as WPA 12794 of 2021 and was disposed of by order dated 26.9.2022. In all fairness, it is pointed out by learned counsel for the petitioners that respondent nos.5 and 6 in the earlier writ petition are the petitioner nos.1 and 2 in the present PIL. Even assuming that the PIL is not maintainable at the behest

of those persons who were parties in the previous round, their names may be permitted to be deleted and PIL may be entertained on behalf of other petitioners.

4. The learned counsel for the respondents raised objection and urged that the earlier writ petition was entertained and not a PIL. Aggrieved persons may avail the said remedy and PIL may not be entertained.

5. We have heard the parties at length.

6. Admittedly, the respondent nos.5 and 6 in the earlier WPA 12794 of 2021 are petitioners in the instant case. Merely because few more persons who were not parties in WPA 12794 of 2021 are added as petitioners, the character of matter will not be changed from regular writ petition to a PIL. The matter, in our opinion, does not involve any public interest.

7. The PIL is dismissed by reserving liberty to the 'aggrieved persons' to approach the appropriate forum.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)