

25. 01.08.2025
Court No.8
(Tanmoy)

WPA (P)/443/2022
KASMIR KHAN AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Nitai Chandra Saha
Mrs. Nisha Agarwal
Mr. Abhijit Majumder

...for the petitioners.

Mr. Lalit Mohan Mahata, AGP
Mr. Rudranil De

...for the State.

1. Learned Counsel for the petitioners and the State are present.

2. This is the second round of litigation. On an earlier petition being WPA(P)/185/2021, a co-ordinate Bench, by an order dated 22nd March, 2022, directed the respondent/Municipality to take steps to demolish the unauthorized construction in question.

3. Learned Counsel for the petitioners advanced singular contention. He submits that in obedience of the said order of the co-ordinate Bench, although the illegal construction has been demolished, in addition, a valid construction has also been damaged. The villagers had accordingly preferred a joint/mass representation for restoration of the said destroyed shop owned by one Mr. Sk. Hamidul.

4. We have heard learned Counsel for the parties at length.

5. We are of the opinion that as per the contention of the petitioner itself, the shop is owned by an individual. If the shop was illegally destroyed, that individual is a “person aggrieved”. The Public Interest Litigation (in short ‘PIL’) is not maintainable for restoration of the shop.

6. Liberty is reserved to the aggrieved person to seek for appropriate remedies as prescribed under the law for repair/restoration of the shop room.

7. With the aforesaid observation, the PIL stands dismissed.

8. Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Sujoy Paul, J.)

(Smita Das De, J.)