

12.09. 2025
Sl. No.4
Court No.8
PA (Chamber)

WPA(P) 359 of 2025

Pardarshita & Anr.
Vs.
Union of India & Ors.

Mr. Kirtiman Singh, Ld. Sr. Adv.
Mr. Yasharth Shukla,
Mr. Arjun Chopra,
Mr. Abu Zar Ali,

... for the Petitioners.

Mr. Ashok Kumar Chakraborty, ld. ASGI,
Mr. Pinaki Ranjan Chakraborty,
Ms. Sarda Sha,

..... for the Union

of India.

Mr. Kishore Dutta, ld. AG.
Mr. Nilotpal Chatterjee,
Mr. S. Adak,

... for the

State.

Mr. Joydip Kar, ld. Sr. Adv.
Mr. Sanjay Saha,
Mr. Dhurv Chodha,

..... for the Respondent Nos.

5 and 6.

Heard on Admission & Interim Relief : 12.09.2025

1. This Public Interest Litigation is filed by 'Pardarshita', a society registered under the Societies Registration Act having its office in G-151, 1st Floor, Ghazipur, New Delhi-110092 represent by its President Shri Rajiv Kumar who is petitioner no.2.

2. In this PIL, the subject matter of challenge is Expression of Interest (EOI) issued by West Bengal Mineral Development and Trading Corporation Ltd. (Corporation). The principal ground of challenge to the Notice Inviting Tender/expression of interest is that it runs contrary to various provisions of **West Bengal Sand (Mining, Transportation, Storage and Sale)**

Rules, 2021 (Rules of 2021). Learned counsel for the parties raised elaborate submissions for and against the relevant clauses of the EOI.

3. However, Shri Kishore Dutta, learned Advocate General raised a preliminary objection about maintainability of the PIL by contending that both the petitioners are stationed at New Delhi and there is no cause of action which adversely affects them. They have no *locus standi* to file this PIL to assail the EOI Annexure-P1. Reliance is placed on the judgment of the Supreme Court in the case of ***Janata Dal vs. H.S. Chowdhary (1992) 4 SCC 305*** and another judgment reported in ***(2022) 1 SCC 165 Uflex Ltd. vs. Government of Tamil Nadu.***

4. Another objection of learned Advocate General is based on Sections 6 of the Societies Registration Act, 1860 wherein power to sue was given to certain office bearers or by a person authorised by the governing body *for a particular occasion*. It is urged that the resolution dated 07.03.2021 filed with the PIL shows that president was authorised to initiate legal matters afresh or any ongoing matter on behalf of the society. This resolution was signed on 07.03.21 by the executive member. The objection of learned Advocate General is that this authorisation, even otherwise, does not authorise the president to file this petition against the EOI Annexure-P1 which was issued on 05.08.2025. There exists no authorization of general body in favour

of petitioner no. 1. For these twin reasons, petitioners have no *locus standi*.

5. Curiously, learned counsel for the petitioner has not chosen to raise any argument in rebuttal dealing with the preliminary objection of learned Advocate General.

6. Thus, we deem it proper to first deal with the preliminary objection of *locus standi*.

7. The Apex Court in catena of Judgments considered the question of *locus standi* of the persons filing the PIL. Long back, in **Janata Dal vs. H. S. Chowdhary and Ors., 1992 (4) SCC 305**, the Apex Court in Paragraphs 61 and 62 opined as under:-

61. *Though it is imperative to lay down clear guidelines and propositions; and outline the correct parameters for entertaining a Public Interest Litigation — particularly on the issue of locus standi yet no hard and fast rules have yet been formulated and no comprehensive guidelines have been evolved. There is also one view that such adumbration is not possible and it would not be expedient to lay down any general rule which would govern all cases under all circumstances.*

62. *Be that as it may, it is needless to emphasise that the requirement of locus standi of a party to a litigation is mandatory; because the legal capacity of the party to any litigation whether in private or public action in relation to any specific remedy sought for has to be primarily ascertained at the threshold.*
(Emphasis Supplied)”

8. This Judgment of **Janata Dal (supra)** is quoted with profit by this Court in **Amit Kumar Pan vs. State of West Bengal, 2009 SCC OnLine CAL 672**.

9. In Para 109 of the Judgment of **Janata Dal (supra)**, the Apex Court made is crystal clear that “*it is only a person acting bona fide and having sufficient interests*” in the proceedings of PIL alone has a *locus standi*.

10. We find substantial force in the argument of Learned Advocate General that no part of cause of action arisen within the territory of this Court has adversely affected the petitioners. In other words, petitioners could not establish any interest in the proceeding of PIL raising subject matter alleged of illegality which has arisen within the territory of West Bengal.

11. This Court in **Dipankar Ghosh v. Hon’ble Chief Justice, 2009 SCC OnLine CAL 267** dismissed the PIL filed by an Advocate who had no personal interest and was not a party aggrieved but challenged the West Bengal Court Fees Act, 1970 and its amendment of 2002. Likewise, in **Nepal Sarkar v. State of West Bengal, 1993 SCC OnLine CAL 84**, this Court opined that the person filing PIL must show the interest in the proceedings.

12. In **Rajnit Prasad v. Union of India, (2000) 9 SCC 313**, it was poignantly held that “*a person who is not even remotely connected with impugned proceedings cannot challenge any aspect of the proceedings by filing a writ petition in the High Court or before the Supreme Court*”.

13. In ***R & M Trust v. Koramangala Residents Vigilance Group***, (2005) 3 SCC 91, it was ruled that *locus standi* in Public Interest Litigation is a very relevant factor and the Court should always enquire into ‘locus’ of persons before entertaining such petitioner. PIL can be entertained in very rare cases. As mentioned above, Learned Counsel for the petitioner has not chosen to raise a single argument on the aspect of *locus standi* and question of preliminary objection raised by the State.

14. If the *litmus test* laid down by Supreme Court in aforesaid cases is applied to the present case, it will be clear like cloudless sky that petitioners are admittedly stationed at New Delhi. They could not show any/sufficient interests in relation to the impugned “expression of interest/NIT. Thus, we are of the opinion that petitioner have no *locus standi* to assail the EOI issued by the Government of West Bengal. The PIL is not maintainable. Hence there is no occasion for us to enter into the merits of the case. PIL is **dismissed** as not maintainable.

(Sujoy Paul, J.)

(Smita Das De, J.)