

04.12.2025
Item No.33
Ct. No.01
RP

WPA(P) 505 of 2025
Dr. Sankar Kumar Sanyal & Anr.
VS.
The State of West Bengal & Ors.

Mr. Sudip Ghosh
Mr. R. Mukherjee
Mr. S. Das

..For Petitioners

Mr. Partha Sarathi Sengupta, Sr. Adv.
Mr. Supriyo Chattopadhyay
Ms. Debosri Chatterjee

..For Respondent No.6

Mr. Sirsanya Bandyopadhyay, Ld. Sr. Standing Counsel
Mr. Tarak Karan

..For State

PER, SUJOY PAUL, ACJ.:

1. Parties are represented through their respective learned counsels.

2. In this petition following reliefs are claimed.

“a) A writ or and/or in the nature of Mandamus, commanding the respondents, each one of them and their men/agents/servants to forthwith act in accordance with law and to forthwith grant long term settlement/allotment/lease of the vested land of 3.833 acres of land at Mouza-Barrackpore and Bally jurisdiction List No.16, Bally, JL No.14, Belur JL No.15 within District Howrah at the earliest in favour of Belur Sramajibi Swasthya Prakalpa Samity, for setting up a new

300 bedded super specialty hospital by them.

b) A writ or and/or in the nature of Mandamus, commanding the respondents, each one of them and their men/ agents/ servants to forthwith provide all sorts of necessary helps and cooperation to Belur Sramajibi Swasthya Prakalpa Samity, which will be necessary for setting up a new 300 bedded super specialty hospital by Belur Sramajibi Swasthya Prakalpa Samity over and up the land allotted to them.

c) A writ or and/or in the nature of Mandamus, commanding the respondents, each one of them and their men/ agents/ servants to forthwith consider the representation of the petitioner dated July 20, 2023 filed before the respondent nos.2, 4 and 4 as enclosed with this writ application, being marked as Annexure-“P/6”.

d)A writ or and/or in the nature of Certiorari directing the respondent authorities to transmit the entire records of the case pertaining to the grievances of the petitioner as also all other records relating to the instant case, to certify the same and on being so certified quash the same, so that conscionable justice may be rendered.

e)Rule NISI in terms of prayers as above.

f)An order do issue directing the respondent authorities to forthwith act in accordance with law and to forthwith grant long term settlement/ allotment/lease of the vested land of 3.833 acres of land at Mouza-Barrackpore and Bally Jurisdiction List No.16, Bally, JL No.14, Belur JL No.15 within District Howrah at the earliest in

favour of Belur Sramajibi Swasthya Prakalpa Samity, for setting up a new 300 bedded super specialty hospital by them.

g)Ad-interim order in terms of prayer as above.

h)Orders as to costs.

i)Such other or further order or orders, direction or directions as to Your Lordships may deem fit and proper.”

3. Learned counsel for petitioners submits that the similar land was subject-matter of adjudication in WPA(P) 446 of 2023 and this Court directed the State Government to take a decision in accordance with law relating to the representation submitted by the petitioners. Although the petitioners in previous case was a different person/organization, fact remains that the locality needs a hospital and the land in question can be utilized for the same.

4. Mr. Bandyopadhyay, learned senior standing counsel submits that it is misrepresentation that the present petition relates to the same land, which was the subject-matter of WPA(P)

446 of 2023. It may be an adjacent land but not the same land.

5. Learned counsel for petitioners submits that in view of previous order, a direction may be issued to decide the representation of the petitioners in accordance with law by fixing a time limit.

6. We have heard the parties at length. This Court in the previous round in WPA(P) 446 of 2023 in no uncertain terms made it clear that in a public interest litigation no positive direction can be issued as sought for by the petitioner to grant long-term settlement of a government property in favour of a private organization or individual. It was left to the discretion of the government to take a decision. A minute reading of operative para 12 of the previous order dated 28.8.2023 (Annexure P7) shows that this Court used the expression "It will be well open to the appropriate authority of the government to take a decision in accordance

with law.....” In this round of litigation this Court cannot travel beyond or behind the previous order dated 28.8.2023. Thus, we find no reason to entertain this PIL.

7. Accordingly, this PIL is dismissed.

8. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL, ACJ.]

[PARTHA SARATHI SEN, J.]