

**Form No. J(2)**

CALCUTTA HIGH COURT  
IN THE AT CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE

Present:

**The Hon'ble Justice Saugata Bhattacharyya**

**W.P.A. 1516 of 2025**

**Jina Sundas @ Jina Rai (Sundas)**

**-vs-**

**The State of West Bengal & Ors.**

For the Petitioners : Mr. Ved Rai

For the respondent no.4 : Mr. Ujjwal Luksom,  
Mr. Bikash Singha

For the State : Mr. Nabankur Pal,  
Mr. Sumit Kumar

Heard on : 22.07.2025

Judgment on: 22.07.2025

**Saugata Bhattacharyya, J.:**

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner questions order dated 22<sup>nd</sup> April, 2025 passed by the Superintending Engineer, North Bengal Construction Circle-II, PWD, Jalpaiguri being respondent no.2 as by the said order prayer of the petitioner to issue No Objection Certificate ("NOC") to establish Bangla Sahayata Kendra (for short "BSK") was spurned.

3. It is submitted that in terms of the order dated 1<sup>st</sup> April, 2025 passed by a coordinate Bench on an earlier writ petition being WPA 630 of 2025 impugned order was passed on 22<sup>nd</sup> April, 2025 and petitioner ought not to have been refused to obtain NOC for establishing BSK.
4. It is further submitted that the land in question is owned by PWD, therefore, to establish and run BSK necessary permission may have been granted which would facilitate the petitioner to run BSK.
5. In order to buttress the case of the petitioner reliance is placed on the memo dated 17<sup>th</sup> June, 2019 issued by the Chairman, Kalimpong Municipality whereby provisional sanction was accorded for construction of four storied residential-cum-commercial building at Town Mouza on specified plots as delineated therein.
6. Kalimpong Municipality and State respondents are represented by learned advocates.
7. Submissions are made on behalf of the State respondents to defend the impugned order dated 22<sup>nd</sup> April, 2025 passed by the respondent no.2.
8. On perusal of impugned order dated 22<sup>nd</sup> April, 2025 passed by the respondent no.2 which was signed on 7<sup>th</sup>

May, 2025 it appears that prayer of the petitioner to grant NOC for establishing BSK was refused but at the same time it needs to be recorded that it is not demonstrated before this Court how right is conferred upon the petitioner to get NOC for running BSK.

9. It is recorded in the impugned order dated 22<sup>nd</sup> April, 2025 that another BSK is existing which is near to the place where petitioner intends to run BSK.
10. Moreover, admittedly land in question is owned by State Government (PWD). Therefore, it is within the domain of the concerned respondent authorities to take decision how their land is to be utilized.
11. In view of aforesaid discussion, no relief can be granted to the petitioner.
12. The writ petition stands dismissed.
13. However, there shall be no order as to costs.
14. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**