

OD - 5

IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction

ORIGINAL SIDE

WPO(P)/4/2025  
SANTOSH KUMAR PATHAK  
VS  
THE STATE OF WEST BENGAL AND ORS

BEFORE :  
THE HON'BLE JUSTICE SOUMEN SEN  
And  
THE HON'BLE JUSTICE SMITA DAS DE  
Date : 22<sup>nd</sup> May, 2025

*Appearance :*  
*Mr. Prabir Kumar Mukherjee, Adv.*  
*Mr. Pranay Mukherjee, Adv.*  
*Mr. Pourush Bandopadhyay, Adv.*  
*..for petitioner.*

*Mr. Arindam Banerjee, Sr. Adv.*  
*Mr. Chayan Gupta, Adv.*  
*Mr. Victor Chatterjee, Adv.*  
*...for respondent no.4.*

*Mr. Alak Kumar Ghosh, Adv.*  
*Mr. Suman Basu, Adv.*  
*...for KMC.*

*Mr. Arindam Mondal, Adv.*  
*..for State.*

The Court : In a public interest litigation we cannot prevent the corporation from acting in accordance with law. However, it appears that by reason of certain letters alleged to have been written by the president of Chowrangee Mandal - 1, Bharatiya Janata Party, namely, Sri Kamleet Pandey, the petitioner has been defamed. If the petitioner is alleged to have been defamed by such communication, he has legal

remedy. The petitioner cannot notify the Court in a public interest litigation to restrain the corporation or any statutory authority from acting in accordance with law. However, while disposing of the matter, we observe that the prayer (b) of the writ petition may be taken into consideration by the statutory authority.

In view of the above, the writ petition is, accordingly, disposed of.

Since no affidavit in opposition has been called for, all allegations contained in the petition are not deemed to have been admitted.

(SOUMEN SEN, J.)

(SMITA DAS DE, J.)

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