

April 17, 2026
Sl. No.2
Court No.1
s.biswas

WPA(P) 176 of 2026

Gopal Samanto

Vs.

The State of West Bengal and others

Mr. Vikas Pathak

Mr. Sreyash Kumar Singh

... for the petitioner

Mr. Kishore Datta, AG

Mr. Swapan Banerjee

Ms. Sumita Shaw

Mr. Soumen Chatterjee

... for the State

Ms. Anamika Pandey

... for the ECI

Mr. Asok Kumar Chakraborti, ASGI

Mr. Arijit Majumdar

Ms. Shreyashi Sarkar

... for the Union of India

Mr. Abhratosh Majumdar, Sr. Adv.

Mr. Chayan Gupta

Mr. Saaqib Siddiqui

Ms. Deepti Priya

... for the respondent no.7

Mr. Deepan Kumar Sarkar

Mr. Yash Singhi

Mr. Jishnujit Roy

Ms. Deveshi Bose

Ms. Swati Majumdar

... for the respondent no.8

Dictated by Sujoy Paul, C.J.

1. Parties are represented through their respective learned counsel.

2. At the outset, Mr. Kishore Datta, learned Advocate General on behalf of the State and Mr. Abhratosh Majumdar, learned senior counsel for the respondent no.7 and

Mr. Deepan Kumar Sarkar, learned counsel for the respondent no.8, raised preliminary objection regarding maintainability of this PIL by contending that petitioner is a resident of Chhattisgarh and no cause of action has arisen in the said State. Therefore, in the light of order of this court in WPA(P) 359 of 2025 (***Pardarshita & Anr. vs. Union of India & Ors.***), the petition is not maintainable.

3. Faced with this, Mr. Vikas Pathak, learned counsel for the petitioner has drawn our attention to paragraph 3 of the PIL and contended that petitioner although is resident of Chhattisgarh, he is native of West Bengal and his native state is directly affected by the violation of Model Code of Conduct (MCC). In order to ensure free, fair and level electoral contest in the upcoming West Bengal Legislative Assembly Election, 2026, interference of this court is necessary.

4. We have heard the parties on the question of locus standi. Admittedly, the petitioner is a resident of Raipur, State of Chhattisgarh. A perusal of petition does not show that any cause of action has arisen within the territory of Chhattisgarh. A similar question cropped up before this court in the case of **Pardarshita** (supra), wherein the 'sand policy' of State of West Bengal was called in question by an organization registered and situated at New Delhi. This court in the said case opined as under:

*“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.”*

5. In view of the said order in ***Pardarshita***

(supra) coupled with the fact that no cause of action has been arisen for the present petitioner who is a resident of Raipur, Chhattisgarh, we find no reason to entertain the PIL. WPA(P) 176 of 2026 is dismissed as not maintainable.

6. Urgent photostat certified copy of this order, if applied for, be given to the parties subject to compliance of all necessary formalities.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)