

May 19, 2026
Sl. No.45
Court No.1
s.biswas

WPA(P) 238 of 2026

Sk. Lal Babu and others
vs.
The State of West Bengal and others

Mr. Mahendra Prasad Gupta
Ms. Moumita Dhar
... for the petitioners
Mr. Nilotpall Chatterjee
Ms. Piyali Sengupta
... for the KMC
Mr. Dhiraj Kumar Trivedi, DSGI
Mr. Bikash Kumar Singh
Ms. Katha Sarkar
Ms. Divyanshi Shaw
... for the respondent nos.6 & 7

Dictated by Sujoy Paul, C.J.

1. Mr. Mahendra Prasad Gupta, learned counsel for the petitioners, Mr. Nilotpall Chatterjee, learned counsel for the KMC and Mr. Dhiraj Kumar Trivedi, learned DSGI for the respondent nos.6 and 7, are present.
2. The present petitioners have filed this petition by asking for following reliefs:
 - a) *Rule 26 of the Appellate Side may be dispensed within view of the extreme urgency involved in the proceeding;*
 - b) *A writ in the nature of the mandamus, restraining the respondent authority from causing any demolition of the building existing at premises no.50/1/D, G.J.Khan Road, Topsia, Kolkata, West*

Bengal-700039 in illegal exercise of power till disposal of this writ petition;

- c) A writ in the nature of mandamus, restraining the respondent authorities from taking any coercive action and/or any action for demolition of the building existing at premises no. 50/1/D, G.J.Khan Road, Topsia, Kolkata, West Bengal-700039 in violation of law;*
- d) Rule in terms of prayer (a) to (c) above;*
- e) Interim order restraining the respondent authorities from taking any coercive action for demolition in respect of building existing at premises no. 50/1/D, G.J.Khan Road, Topsia, Kolkata, West Bengal-700039 till disposal of the instant proceedings;*
- f) Interim order in terms of prayer (e) above;*
- g) To pass such other and/or further order or orders to which your petitioner will be entitled to in law and equity;*

3. On specific query from the Bench, learned counsel for the petitioners submits that petitioners are the owners of the said property, details of which described in the relief clause. Thus, the singular question cropped up is whether this public interest litigation is maintainable when the petitioners are “interested persons”.

4. Faced with this, learned counsel for the petitioners submits that for same cause he has already filed a regular writ petition being WPA 11332 of 2026 under Article

226 of the Constitution of India before learned Single Judge.

5. Considering the aforesaid, we are of the view that this petition is not maintainable. The PIL is disposed of by reserving liberty to the petitioners to pursue appropriate proceedings.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)