

June 29, 2026
Sl. No.10
Court No.1
s.biswas

WPA(P) 269 of 2026

Chandan Das
vs.
The Union of India and others

Mr. Sudipta Sarkar
Ms. Tithi Mandal
... for the petitioner
Mr. Dhiraj Kr. Trivedi, DSGI
Mr. Shailendra Kr. Mishra
... for the Union of India
Mr. Pradip Tarafdar, Sr. Adv.
Mr. Sambuddha Dutta
Mr. Shital Sunwas
Mr. Adhip Narayan Banerjee
... for the respondent nos.19 & 20
Mr. Rajdeep Mazumder, AAG
Mr. Ajit Kumar Mishra, AGP
Mr. Gopal Krishna Sarkar
... for the State

The affidavit of service, as filed, be kept on record.

The present writ petition has been preferred, *inter alia*, praying for issuance of necessary direction upon the respondents to treat the writ petition as a representation and to submit a status report relating to complaints and FIRs on the respondent no.19 on 4th June, 2026 and 5th June, 2026 under Tangra Police Station and Pragati Maidan Police Station.

In the writ petition, it has, *inter alia*, been stated that the respondent no.19 happens to be a partner of Sonar Bangla Guest House and he was elected as Councillor of Ward No.58 under Kolkata Municipal Corporation (in short, KMC) in the year 2021 and

thereafter he became a Member of Mayor-in-Council of KMC. Subsequent thereto, he participated in the 2026 State Assembly Election as a candidate of All India Trinamool Congress. The said respondent no.19 is an accused in the complaints filed before the Tangra Police Station and Pragati Maidan Police Station. Being a public servant, he had used his influence to indulge in the process or activities connected with the proceeds of crime. On the rudiments of a deep-rooted conspiracy, he had unlawfully utilized his position and perpetrated offences in violation of Environment (Protection) Act, 1986. A supplementary affidavit has also been filed in connection with the writ petition and reliance has been placed upon the contents of the first information report being Tangra Police Station FIR No.117 dated 9th June, 2026, annexed to the said supplementary affidavit. A copy of the same be retained on records.

Mr. Sarkar, learned advocate appearing for the petitioner strenuously argues that the respondent no.19 has illegally utilized his position as a Member in Mayor-in-Council and has been involved in various illegalities. He became the partner of five construction companies as detailed in the supplementary affidavit. It would also be explicit from the complaints lodged in connection with Tangra Police Station and Pragati

Maidan Police Station that he has a direct nexus with the illegalities as perpetrated.

In response to our query, Mr. Sarkar has, however, submitted that no representation has been filed by the petitioner before any of the authorities and he seeks direction to treat his writ petition as representation for consideration.

Mr. Tarafdar, learned senior advocate appearing for the respondent no.19 and 20 denies the contention of Mr. Sarkar and submits that the petitioner is not a public-spirited person and he happens to be a political rival of the respondent no.19. Along with the said respondent no.19, the petitioner participated in the Municipal Election held in the year 2021.

Drawing our attention to the averments made in paragraph nos.32 to 38 of the writ petition, Mr. Tarafdar contends that the allegations are mere surmises and conjectures and on the rudiments of the same a public interest litigation is not maintainable.

Mr. Dhiraj Trivedi, learned DSGI and Mr. Rajdeep Mazumdar, learned AAG, enter appearance on behalf of the Union of India and the State respectively and deny the contention of the petitioner.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the petitioner was a contestant in the Municipal Election of 2021 in which the respondent no.19 also participated. However, the petitioner could not emerge to be successful in the same. It thus cannot be ruled out that the petitioner has a private interest as he happens to be a political rival of the respondent no.19.

Prior to filing of the writ petition, the petitioner did not even choose to submit any representation before the authorities. The allegations levelled against the respondent no.19 in Tangra Police Station and Pragati Maidan Police Station are under investigation.

The petition involves disputed questions of fact and travelling into the area to adjudicate such factual dispute would be a wrongful exercise of public interest jurisdiction.

In view thereof, no interference is called for in the present writ petition and the same is, accordingly, dismissed.

There shall be, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.)

(Tapabrata Chakraborty, A.C.J.)