

ITEM NO.23

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.801/2022

GOLAM GAZI

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

(WITH IA No.121984/2022-APPROPRIATE ORDERS/DIRECTIONS)

Date : 30-09-2022 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Santi Ranjan Das, Adv.
Mr. Anindo Mukherjee, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Considering the facts and circumstances on record it is clear that the controversy in question is relating to certain areas falling under Mauza-Toushkhali, District - North 24 Parganas, West Bengal.

The writ petitioner submits that respondent no.2 herein, by cutting embankment of the river, is trying to divert the flow of the river for private gain, putting the interest of the entirety of the population coming from the surrounding villages to prejudice.

In our view, since the matter concerns the area in West Bengal, rather than entertaining the petition under Article 32 of the Constitution of India, the better course would be to agitate

the same issues through a petition filed under Article 226 of the Constitution of India.

We, therefore, transfer this petition to the Calcutta High Court and direct the Registry of the Calcutta High Court to register the same as a public interest litigation under Article 226 of the Constitution of India and place it before the appropriate Court for disposal.

The facts stated hereinabove are only by way of narration of events and any observations made by us shall not be taken to be reflection of the merits of the matter which shall be gone into independently.

With these observations, the writ petition is disposed of.

Pending interlocutory application(s), if any, stands disposed of.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)