

17.12.2025
Ct. No. 1
Item No. 59

W.P.A. (P) 173 of 2025

Sri Sandip Pramanik

Vs.

The Union of India & Ors.

Mr. Subir Sanyal, Sr. Adv.

Mr. Sutirtha Das

Mr. Surojit Mukherjee

.....For the Petitioner

Mr. Sanajit Kumar Ghosh

Mr. Samrat Ghosh

.....For the Union of India

Mr. Sirsanya Bandopadhyay, Ld. Sr. Standing
Counsel

Mr. Debopriyo Karan

.....For the State

Mr. Ankit Sureka

.....For the Howrah Municipal
Corporation

Mr. N. C. Bihani, Sr. Adv.

Mr. Soumya Mukherjee

.....For the West Bengal Pollution
Control Board

Ms. Soumi Guha Thakurta

.....For Respondent No.7/Central Pollution Control
Board

Mr. Abhratosh Majumder, Sr. Adv.

Mr. Amit Sharma

Mr. Abhishek Kr. Agrahari

.....For the Respondent Nos.3, 5
& 13

Mr. S. N. Mookherjee, Sr. Adv.

Mr. Srijib Chakraborty

Mr. Dipanjan Dutt

Mr. Chandrachur Chatterjee

.....For the Respondent No.17

PER, PARTHA SARATHI SEN, J.:

1. The instant matter is taken up today for passing an appropriate order with regard to the maintainability of the instant writ petition which is in the nature of a Public Interest Litigation since the issue of maintainability was raised by the respondent no. 17.
2. At the time of hearing, Mr. Mookherjee, learned Senior Advocate appearing on behalf of the respondent no. 17 at the very outset draws attention of this Court to the prayers as made in the instant writ petition. It is submitted by Mr. Mookherjee that the crux of the instant writ petition is the alleged violation on the part of the respondent authorities regarding the different clauses of the notification dated 27.09.1996 (hereinafter referred to as the 'said notification of 1996') as published by Government of India, Ministry of Environment and Forest as well as the terms and conditions of the lease deed dated 28.06.2024 as executed in favour of the respondent no. 17 by the respondent no. 3 authority.
3. It is argued by Mr. Mookherjee that from the pleadings of the said writ petition it would reveal that the facts as involved in the instant writ petition are not correct, the same is found

to be unverified one. It is further submitted by Mr. Mookherjee that in terms of the provision of Clause B(iii) of the said notification of 1996 it would reveal that the subject matter of the instant writ petition is situated beyond the area as mentioned therein and thus by no stretch of imagination it can be said that the said notification of 1996 has got any manner of application in the instant writ petition.

4. Drawing attention to Annexure R-10 of the affidavit-in-opposition as filed on behalf of the respondent nos. 3, 4, 5 and 13 being a copy of the notification dated 18.01.2019 as published by the Ministry of Environment, Forest and Climate Change, it is argued by Mr. Mookherjee that the said notification of 2019 squarely applies to the present *lis* and on careful perusal of Clause 2.3.3 of the said notification of 2019 it would reveal that the project of the respondent no. 17 is beyond the scope of NDZ and thus there is no necessity to obtain permission from the port authority for the on-going project as initiated by the respondent no. 17.

5. In his next limb of submission, Mr. Mookherjee contended that from the cause title of the instant writ petition it would reveal that

the writ petitioner is a resident of Garia under P.S. Narendrapur, Kolkata- 700084. It is further argued by Mr. Mookherjee that on perusal of paragraph 2, 3 and 4 of the instant writ petition it would reveal that it is the grievance of the writ petitioner that allegedly an illegal construction is going on within 500 meter of the bank of the river Hooghly which is far away from the residential locality of the writ petitioner and thus, the writ petitioner has miserably failed to substantiate the alleged public interest as involved in the instant writ petition.

6. It is further argued by Mr. Mookherjee that the writ petitioner while filing the instant public interest litigation has distorted the truth inasmuch as in the instant writ petition it has been asserted that he has noticed that construction of a huge mammoth building is going on, however, from the materials as available in the short response of the respondent no. 19 it would reveal that even at the time of filing of the said affidavit-in-opposition the construction was raised upto the plinth level only. It is further submitted by Mr. Mookherjee that in the instant writ petition it is the specific case of the writ petitioner that as

against the respondent no. 17 a litigation is pending before the National Green Tribunal (Eastern Zone Bench), Kolkata (hereinafter referred to as NGT in short) whereas from the materials as placed before this Court by way of short response by the respondent no. 17 it would reveal that the said litigation was dismissed on 27.03.2025 that is much before filing of the instant writ petition.

7. It is thus submitted by Mr. Mookherjee that from the conduct of the writ petitioner it would reveal that the writ petitioner has not approached this Court with clean hands and therefore, is not entitled to seek any remedy in the instant writ petition which is high prerogative and discretionary in nature.

8. It is further argued by Mr. Mookherjee that for some obvious reason the writ petitioner has not disclosed that the writ petitioner also deals with real estate and thus, there cannot be any hesitation to hold that he has an inimical interest against the writ petitioner on account of business rivalry.

9. Drawing attention to the page no. 10 as well as to the various annexures to the short response of the respondent no. 17 it is further submitted by Mr. Mookherjee that materials

have been placed before this Court that as against the writ petitioner at least 6 P.S. cases are pending in different police stations in which most of the cases final report is submitted against the writ petitioner showing the writ petitioner as an accused therein.

10. It is further submitted by Mr. Mookherjee that in a writ petition in the nature of public interest litigation the credential of the writ petitioner is very much required to be looked into inasmuch as in a public interest litigation the writ petitioner claims to be a public spirited person and he further claims that he has approached this Court for the benefit of the public at large as well as the society. It is further argued by Mr. Mookherjee that since the writ petitioner has consciously suppressed his credentials as well as pending criminal cases against him, a reasonable doubt ought to have arisen in the mind of the Court regarding the real object of the writ petitioner in filing the instant public interest litigation.

11. It is further argued by Mr. Mookherjee that from page nos. 54 to 69 of the short response of the respondent no. 17 it would reveal further that the present writ petitioner is also a litigant in various civil litigations relating

to various properties in the jurisdictional Civil Court of Baruipur which substantiates that the writ petitioner is very much interested in the immovable properties on account of his real estate business and thus, by no stretch of imagination it can be said that the instant writ petition has been filed for the interest of public at large.

12. It is thus submitted by Mr. Mookherjee that on account of such the instant writ petition may be dismissed on the ground of maintainability.

13. Mr. Majumder, learned Senior Advocate appearing on behalf of the respondent nos. 3, 4, 5 and 13 while supporting the contention of Mr. Mookherjee also draws attention of this Court to the prayers as made in the instant writ petition. It is argued by Mr. Majumder that on perusal of the prayers (a) to (h) of the writ petition it would reveal that the reliefs as sought for in prayer (a) to prayer (h) are outside the ambit of the writ jurisdiction of this Court rather such relief(s) can be granted by a civil Court by trial on evidence.

14. Drawing attention to the report of the respondent no. 8 authority, it is submitted that the said report clearly indicates that the

District Howrah is outside the ambit of coastal area as wrongly alleged by the writ petitioner and therefore the notification of the year 1996 has got no manner of application in the present *lis* and on such score the instant writ petition may be held to be not maintainable.

15. Placing his reliance upon the reported decision of ***State of Uttaranchal Vs. Balwant Singh Chaufal & Ors.*** reported in **(2010) 3 SCC 402** it is submitted by Mr. Majumder that in the said reported decision the Hon'ble Supreme Court has given a clear guideline for entertaining a writ petition in the nature of public interest litigation.

16. It is submitted by Mr. Majumder that in the event the facts and circumstances as involved in the writ petition are looked into in terms of the said guideline as fixed in the case of ***Balwant Singh (Supra)*** it would reveal that the instant public interest litigation is not bona fide in nature and that credentials of the writ petitioner is/are found to be questionable. It is thus submitted by Mr. Majumder that on such score the instant writ petition may be dismissed at its threshold.

17. It is further argued by Mr. Majumder that in the case of ***Dr. B Singh Vs. Union of India***

& Ors. reported in **(2004) 3 SCC 363** the Hon'ble Supreme Court also took the same view and reminded that the Court has to act ruthlessly while dealing with imposters and busy bodies or meddlesome interlopers impersonating as public spirited holy men. It is thus submitted by Mr. Majumder that the instant writ petitioner may be dismissed at the threshold of its maintainability.

18. Mr. Bihani, learned Senior Advocate appearing on behalf of the respondent no. 9 authority while adopting the argument of Mr. Mookherjee and Mr. Majumder strongly contended that his client being the West Bengal Pollution Control Board has given the pollution clearance to the respondent no. 17 on 14.08.2024, however, in the instant writ petition no challenge was made to the said decision of the respondent no. 9 authority. Mr. Bihani thus submits that the instant writ petition is not maintainable.

19. Per contra, Mr. Sanyal, learned Senior Advocate appearing on behalf of the writ petitioner however strongly opposed the contention as raised on behalf of the respondent no. 17, respondent nos. 3, 4, 5 and 13 and respondent no. 9. Drawing attention to

the notification of 1996 (Annexure P1 to the writ petition) it is submitted by Mr. Sanyal that Clause B(iv) of the said notification of 1996 clearly indicates that Coastal Regulation Zone (CRZ in short) is applicable throughout the banks of Hooghly river to the extent of 500 meter except for the portion of Haldia area where it has been reduced to 100 meter.

20. It is submitted by Mr. Sanyal that it is the specific case of the writ petitioner the respondent no. 17 is making illegal construction within 500 meter of the river Ganges at Dist. Howrah and therefore, by no stretch of imagination it can be said that the said notification of 1996 has got no manner of application in the instant writ petition. It is further submitted by Mr. Sanyal that the applicability of the notification of 2019 in the instant writ petition cannot be decided at this stage without assessing the factual aspects as involved in the instant writ petition.

21. Drawing attention to the page no. 54 of the short response of the respondent no. 17 being a copy of the terms of settlement which has become part of a compromise decree in Title Suit no. 384 of 2015 in the Court of Civil Judge, Junior Division, First Court at Baruipur,

it is submitted by Mr. Sanyal that none of the properties as involved in the said terms of settlement is the subject matter of the instant writ petition and thus, the same has got no relevance in the instant writ petition. Drawing further attention to the affidavit-in-reply as filed by the writ petitioner against the affidavit-in-opposition of the respondent nos. 3, 4, 5 and 13, it is submitted by Mr. Sanyal that in such affidavit-in-reply it has been categorically indicated by the writ petitioner as to how the ecological balance is going to be disturbed if the respondent no. 17 is permitted to proceed with the alleged illegal construction in the Dist. Howrah within 500 meters from the bank of river Ganges.

22. It is thus submitted by Mr. Sanyal that from the materials as placed before this Court it would reveal that substantial public interest is involved in the instant writ petition which may not be dismissed at the threshold of its maintainability. It is further argued by Mr. Sanyal that the writ petitioner unknowingly did not disclose the pendency of criminal cases against him since the writ petition was under impression that the pendency of the said

criminal proceedings have got no connection with the instant writ petition.

23. Placing his reliance in the reported decision of ***Ayaubkhan Noorkhan Pathan Vs. State of Maharashtra*** reported in **(2013) 4 SCC 465** it is submitted by Mr. Sanyal that it has been set at rest by the Hon'ble Supreme Court that the locus standi of a writ petitioner in an ordinary writ petition is distinguishable from the locus standi of the petitioner in a public interest litigation since in a public interest litigation the person having no personal concern over the subject matter of the writ petition may approach the Court for the greater interest of the society or in the interest of the affected persons who are unable to approach the Court because of ignorance, illiteracy, inarticulation or poverty.

24. It is submitted by Mr. Sanyal that since the writ petitioner has approached this Court with a greater cause, the alleged suppression by the writ petitioner regarding pendency of criminal cases against him may be viewed leniently. It is thus submitted by Mr. Sanyal that the instant writ petition is very much maintainable.

25. In course of his reply Mr. Srijib Chakraborty led by Mr. Mookherjee, however, agreed that the applicability of the notification of 1996 cannot be decided at the time of deciding the point of maintainability since the applicability of the said notification of 1996 in the instant *lis* is a mixed question of facts and law. In course of his reply Mr. Majumder also draws attention of this Court to Rules 56 and 57 of Chapter II of the Appellate Side Rules of the High Court at Calcutta which deals with public interest litigation. It is submitted by Mr. Majumder that the writ petitioner has miserably failed to make out a case for entertaining the instant public interest litigation within the meaning of the said Rule.

26. We have carefully gone through the entire materials as placed before us. We have given our due consideration over the submissions of the learned Advocates for the parties to the instant public interest litigation.

27. On comparative study of the notification of 1996 as well as the notification of 2019, it appears to us that in order to decide the applicability of the said two notifications in the instant *lis* the factual aspects as raised by the contending parties to the instant public interest

litigations are required to be assessed in the perspective of the documents as have been annexed either with the writ petition or with the affidavit-in-opposition or with the reply thereto.

28. Such position is also accepted by the learned Advocate for the respondent no. 17 in course of his reply as quoted (*supra*).

29. On comparative study of paragraph nos. 3 and 4 of the instant writ petition vis-à-vis annexure R-8 of the short response of the respondent no. 17, it further appears to us that no much contradiction can be detected in the pleadings of the writ petition which may invalidate the instant writ petition while determining the question of its maintainability. It further appears to us that the argument on behalf of the respondent no. 17 that since the writ petitioner is a resident of Garia in the Dist. South 24 Parganas and therefore, the instant writ petition is not at all tenable inasmuch as Rule 56 of the Chapter II of the Appellate Side Rules which deals with public interest litigation does not mandate that the writ petitioner of a public interest litigation must be a person of a locality where alleged violation of constitutional or legal right is contravened or any burden is imposed without lawful authority causing legal

wrong or illegal injury or illegal burden upon the society at large. It further appears to this Court that the respondent no. 17 has miserably failed to show that the writ petitioner has got any inimical interest because of business rivalry since, according to the respondent no. 17 both the writ petitioner and the respondent no. 17 deal with the real estate. No material is also placed on behalf of the respondent no. 17 that the writ petitioner was also a contender to the property where the respondent no. 17 was raising a construction.

30. In view of such this Court has got no other alternative but to hold that the respondent no. 17 has failed to substantiate any personal interest of the writ petitioner in the instant writ petition.

31. From the materials as placed before this Court by the respondent no. 17 by way of short response supported by affidavit, it reveals that the present writ petitioner is accused in 6 P.S. cases in which in most of the cases he has been charge-sheeted for cognizable offences. No reason has been assigned by the writ petitioner as to what prevented him to disclose his antecedents though pendency of criminal cases

against him is not factually connected with the subject matter of the instant writ petition.

32. At this juncture, we propose to look to the reported decision of **Balwant Singh (Supra)** wherein the Hon'ble Supreme Court held thus:

“181. We have carefully considered the facts of the present case. We have also examined the law declared by this Court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:

- (1) The Courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.*
- (2) Instead of every individual Judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High Court is sent to the Secretary General of this Court immediately thereafter.*
- (3) The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.*
- (4) The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.*

- (5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.*
- (6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.*
- (7) The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.*
- (8) The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations.”*

33. It thus appears to this Court that the Hon’ble Supreme Court in no uncertain terms made it clear that it is obligatory for the Court to verify the credentials of the petitioner before entertaining a PIL. It further appears to us that it is not a duty of a Court to make a roving enquiry to verify the credentials of the writ petitioner before entertaining a PIL and therefore, the writ petitioner in a public interest litigation is duty bound to disclose his credentials and antecedents.

34. We have noticed that the writ petitioner in the instant writ petition for the reason best

known to him had suppressed some material facts in relation to his credentials as well as with regard to the pendency of criminal proceedings against him which ought not to be done.

35. On perusal of page no. 5 vis-à-vis page no. 43 (Annexure R-5) of the short response of the respondent no. 17 it appears to us that it is the specific averment of the respondent no. 17 that the writ petitioner deals with the real estate and such facts have been suppressed by the writ petitioner in the instant writ petition. We have meticulously gone through the affidavit-in-reply as filed by the writ petitioner against the short response of the respondent no. 17 interestingly nowhere on such affidavit-in-reply more specifically, in paragraph 18 the writ petitioner had not denied such contention and rather made an attempt to demonstrate that the writ petitioner is not a co-contender or co-participant in the project in question. It thus appears to us that the allegation as made by the respondent no. 17 in his short response practically goes

uncontroverted and in further considered view of this Court that in order to show his bona fides the writ petitioner ought to have disclosed such facts especially when he has filed a writ petition which is in the nature of public interest litigation alleging an illegal construction within 500 meter of the bank of the river Hooghly in District Howrah.

36. We have also noticed that the respondent no. 17 in paragraph 10 of his short response had given the description of the pending P.S. cases against the writ petitioner in a tabular form which is quoted hereinbelow in verbatim:-

Sl. No.	Police Station (PS) Case No./ G.R. Case No. / F.I.R Date.	Charge Sheet No.	CHARGE SHEET/ FIR FILED UNDER SECTIONS
1	BASDRONI PS – 68 OF 2021 ACG.R- 1827/21 DATE: 06.05.2021	152 of 2022	457 /427 /506 /34 of IPC
2	JADAVPUR PS – 198 OF 2024 ACGR-6241/24 DATE:	NOT FILED	318(4) /316(2) /338 /336(3) /340(2) /61(2) of BNS

	05.10.2024		
3	SONARPUR PS – 160 OF 2018 GR – 647/18 DATE: 03.02.2018	492 of 2018	420 /467 /468 /471 /447 /323 /386 /506 /120B of IPC
4	SONARPUR PS – 1612 OF 2017 GR – 6024/17 DATE: 25.08.2017	609 of 2018	447 /188 /323 /506 34 of IPC
5	SONARPUR PS – 2111 OF 2017 GR – 7569/17 DATE: 01.11.2017	488 of 2018	467 /468 /420 /34 of IPC
6	SONARPUR PS – 2110 OF 2017 GR – 7567/17 DATE: 01.11.2017	487 of 2018	467 /468 /420 /34 of IPC

37. Pendency of aforementioned P.S. cases was not disputed by the writ petitioner in his affidavit-in-reply. Offences with whom the writ petitioner was charge-sheeted involving the offence of cheating, mischief, criminal trespass, forgery and so on which prima facie raises a

question with regard to the credibility of the writ petitioner.

38. Admittedly, the pendency of the said criminal proceedings against the writ petitioner has got no bearing with the subject matter involved in the instant writ petition, however, when the writ petitioner approaches this Court for the greater interest of the society, the minimum expectation is that the writ petitioner must approach with clean hands especially when he invokes the writ jurisdiction of this Court which is based on equity and highly prerogative and discretionary in nature.

39. In the reported decision of **Dr. B. Singh (Supra)** the Hon'ble Supreme Court has set up some criteria for entertaining a public interest litigation, however, the facts and circumstances as involved in the instant writ petition are not found to be contradictory with such parameters and thus, the reported decision of **Dr. B. Singh (Supra)** is found to be not helpful for the respondent no. 17.

40. In view of such we hold that the instant writ petition is very much maintainable.

41. However, considering the conduct of the writ petitioner as discussed in the foregoing

paragraphs we impose a cost of Rs. 50,000/- upon the writ petitioner which is to be deposited by the writ petitioner with the State Legal Service Authority, West Bengal positively within 15 working days from today. In the event such cost is deposited, the Member Secretary, State Legal Service Authority, West Bengal shall credit the said sum in the account meant for “Victim Compensation Scheme”.

42. Department is directed to forward a copy of this order to the Member Secretary, SLSA, West Bengal for his information and compliance.

43. List this matter in the week commencing from February 09, 2026 under the heading “For Hearing”.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)