

09.09.2026
Ct. No.446
Sl. No.8
akd

W. P. A. 24856 of 2026

[Bhargab Sales Private Limited -Vs- State of West Bengal& Ors.]

Mr. Soumya Majumdar .. Sr. Advocate
Mr. Debanik Banerjee
Ms. Sanjukta Majumder
... .. for the petitioner

Mr. Debanjan Mukherjee
... .. for the KMC

Mr. Jishnu Chowdhury .. Sr. Advocate
Mr. Satadeep Bhattacharyya
Ms. Sanskriti Agarwal
Ms. Pallavi Chatterjee
... .. for respondent no. 14

Ms. Mousumi Roy
Mr. Debopam Roy
... .. for the State

1. Mr. Soumya Majumdar, learned Senior Advocate appearing for the petitioners, submits that respondent no. 14 has illegally filled up a water body and converted the same into solid land, besides causing destruction to the drainage system in and around the said water body. He further submits that respondent no. 14 intends to construct a multi-storied building on the said land. In furtherance of such intention, respondent no. 14 has approached the concerned authorities with applications seeking conversion of the land under Section 4(c) of the West Bengal Land Reforms Act, 1955, and has also made applications for issuance of a “No Objection Certificate” by the Department of Fisheries, Government of West Bengal, as well as by respondent no. 8 under Rule 4(4) of the Kolkata Municipal Corporation (Building) Rules, 2009.

2. He apprehends that the process of conversion may be completed at any time and that the certificates sought by the

private respondents may be issued, thereby enabling them to proceed with the proposed construction. He submits that, in the aforesaid circumstances, immediate intervention of this Court is warranted. According to him, unless an interim order is passed restraining the private respondents from carrying out any further activity for filling up the water body or from taking any steps towards making any construction thereon, the petitioners are likely to suffer serious prejudice.

3. Mr. Jishnu Chowdhury, learned Senior Advocate appearing for respondent no. 14, raises an objection as to the maintainability of the present writ petition. He submits that, the petitioner having no right, title or interest in the land in question, cannot claim to have suffered any personal injury or prejudice on account of the alleged acts complained of. According to Mr. Chowdhury, the petitioner, therefore, has no locus standi to maintain the present writ petition.

4. Mr. Debanjan Mukherjee, learned Advocate for the KMC, concurs with the submissions advanced by Mr. Chowdhury.

5. In response, Mr. Majumdar submits that, on several occasions, different Benches of this Court have considered similar questions. He further submits that, very recently, an Hon'ble Division Bench of this Court, in one such decision, has held that a petitioner need not demonstrate any personal locus standi to maintain a writ petition alleging the illegal filling up of a water body and unauthorized construction of a building thereon. He accordingly prays for a short accommodation to place the aforesaid decisions before the Court.

6. Since the maintainability of the present writ petition has been questioned on behalf of respondent no. 14, I am of the view that the said issue ought to be considered at the outset.

Accordingly, I am not inclined to pass any interim order at this stage.

7. List the matter for further consideration before the Regular Bench.

(Partha Sarathi Chatterjee, J.)