

Item No. 14

22.09.2022  
Ct-24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 3116 of 2022  
Biplab Kumar Chowdhury  
v.  
The State of West Bengal & Ors.

Mr. Aniket Mitra  
... for the petitioner.

Mr. Maloy Singh  
Mr. Tapas Ballav Mondal  
... for the State.

Mr. Joy Chakraborty  
Mr. Sandip Dinda  
.... for the respondent no. 21.

Mr. Sandip Ghosh  
Mr. Sudharshan Roy  
Mr. Debayan Ghosh  
Mr. Aziz Amin  
... for the Municipality.

The petitioner has filed the writ petition against the North Dum Dum Municipality, the State respondents as well as several private respondents alleging unauthorized construction being made over vested plots of land.

Learned advocate representing the respondents have produced documents before this Court that patta has been granted by the State respondents in their favour and construction has been made after obtaining sanction from the Municipality.

The learned advocate representing the Municipality submits that construction has been made over the premises in question in accordance with the

plan that has been sanctioned by the Municipality and there is no illegality at the time of making construction.

A list has been placed before this Court containing details of 195 cases filed by the petitioner before this Court primarily challenging the action on the part of the respondents in making construction without sanctioned plan.

It has been submitted that the petitioner is in the habit of filing writ petitions, one after the other, to put pressure upon the private parties and to extract money from them. It has been filed with vested interest for his personal gain.

It has been submitted that there are several matters which are not being proceeded by the petitioner in the right earnest. As soon as the matter gets settled the same is not proceeded with any further.

It appears from the documents annexed to the writ petition that the petitioner's ploy is to collect information under the Right to Information Act and thereafter use the said information to harass the private parties as well as the Municipality for unlawful gain. The conduct of the petitioner appears to be plainly harrassive and mala fide.

The averments and allegations made in the writ petition remains unsubstantiated. The writ petition is an abuse of the process of law and liable to be dismissed with costs.

The writ petition is accordingly dismissed with costs of Rs. 25,000/- (twenty-five thousand) only to be paid by the petitioner in the office of the West Bengal State Legal Services Authority within September 30, 2022.

Let the matter appear in the list on October 31, 2021 to ascertain as to whether the costs have been paid by the petitioner or not.

Supplementary affidavit filed in Court today is taken on record.

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**(Amrita Sinha, J.)**