

UL 30.5.2022  
Sc Ct. no.8

**WPA (P) 239 OF 2022**

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Sulogna Chowdhury

Vs.

State of West Bengal & Ors.

Mr. Subir Sanyal  
Mr. Swatarup Banerjee  
Ms Aparna Banerjee  
Mr. Kaustav Ch. Das  
Mr. Lokenath Chatterjee  
Mr. Sukanta Ghosh  
Mr. Hareram Singh.

... For the Petitioner.

Mr. Anirban Ray  
Mr. Nilotpal Chatterjee.

... For the State

Learned counsel for the petitioner argues that the respondent authorities acted at the behest of the ruling party in granting permission to the Hon'ble Chief Minister to hold a public rally on a river-bed, to the detriment of the said river.

It is argued that a project for dredging of drainage channels in the river-in-question, namely, Gandheswari river has been undertaken and, as such, the proposed rally of several people will ultimately affect the river-bed adversely, to the detriment of public interest.

Learned counsel appearing for the State submits that he has instruction and documents to substantiate the fact that due permission was taken for the rally from the owners of the private land, which comprise the major portion of the area where the rally is going to be held.

Learned counsel also relies on the record of rights which are alleged to corroborate such stand.

That apart, the Executive Engineer, Bankura Irrigation Division had given a report to the District Magistrate, it is submitted, upon physical inspection of the venue, indicating that no activity was found on the river-bed and apart from levelling and dressing, no activity related to change of existing ground profile was found on the river-berm.

It is further submitted that Sub-Divisional Officer, Bankura has also given due permission to hold the rally and that the same would not be to the detriment of public interest in any manner whatsoever.

Upon scrutinising the photographs annexed to the present writ petition, it is evident that the alleged river-bed, where the rally is proposed to be held, is absolutely dry and there is no scope of adversely affecting the river water or polluting the same in any manner by virtue of holding such rally.

That apart, since the respective authorities as well as the private individuals owning a substantial share of the land where the rally is going to be held have sanctioned the holding of the rally, we do not find any scope to interfere in the present writ petition.

In view of the extreme urgency pleaded inasmuch as the proposed rally is going to be held on June 1, 2022, we have taken up the matter and heard it out of turn.

However, since disputes on fact have been raised, learned counsel for the petitioner seeks an opportunity to controvert, on oath, the allegations levelled by the respondent authorities.

In view of such prayer, the respondents are directed to file their affidavits-in-opposition within June 14, 2022. Reply, if any thereto, shall be filed within June 21, 2022. The matter shall be enlisted before the regular Bench taking up such matters on June 22, 2022.

We reiterate that the above direction has been given on the specific prayer made by the petitioner and there is no scope of granting any interim order in the writ petition.

**(Sabyasachi Bhattacharyya, J.)**

**(Ajoy Kumar Mukherjee, J.)**