IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).2261 OF 2025
(ARISING OUT OF S.L.P (CIVIL) NO(S). 1011/2025)

MANOJ KUMAR ORAON **APPELLANT(S)**

VERSUS

THE STATE OF WEST BENGAL & ORS. **RESPONDENT(S)**

O R D E R

1. Leave granted.

2. The learned counsel appearing for respondent nos.3 and 9 seek time to file a counter affidavit. Looking to the nature of the impugned order, we find that it is not necessary to grant time to file a counter affidavit.

3. The appellant, who claims to be a whistle-blower, filed a writ petition in the nature of Public Interest Litigation (for short, "the PIL") for the purposes of pointing out instances of illegal dredging. The High Court, by the impugned order, has rejected the writ petition in the nature of PIL, not on merits, but on a strange ground. The High Court noted that the appellant had made a representation to the Hon'ble Chief Minister of the State pointing out alleged illegal dredging activities. The dredging activities were of respondent no.9, who was allegedly granted a contract by respondent no.3 for dredging purposes. The High Court noted that the appellant was a member of the Legislative Assembly. As the appellant had made a representation to the Hon'ble Chief Minister, the High Court opined that the appellant is confident that the Hon'ble Chief Minister will look into the grievances.

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Date: 2025.02.14 17:08:10 IST
Reason:

4. As a requirement of seeking a writ of mandamus that the appellant made a representation to the authorities including the Hon'ble Chief Minister. That is no ground not to consider even the merits of the writ petition filed by the appellant. Only on this ground, we set aside the impugned order and restore WPA(P)/139/2024 to the file of the High Court of Calcutta. The restored petition shall be placed before the roster Bench on 28th February, 2025 in the morning. The parties, who are represented today, shall be under an obligation to appear before the roster Bench on that day. No further notice shall be served upon them.

5. We make it clear that all contentions of the respondents including the contention regarding maintainability of the PIL at the instance of the appellant will remain open which can be agitated before the High Court.

6. A copy of this order shall be forwarded by the Registry to the Registrar (Judicial) of the High Court of Calcutta who shall ensure that the restored petition is placed before the roster Bench as directed above.

7. The Appeal is partly allowed on the above terms.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
FEBRUARY 10, 2025.

ITEM NO.46 COURT NO.4 SECTION XVI

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 1011/2025

[Arising out of impugned final judgment and order dated 18-04-2024 in WPA(P) No. 139/2024 passed by the High Court of Calcutta]

MANOJ KUMAR ORAON **Petitioner(s)**

VERSUS

THE STATE OF WEST BENGAL & ORS. **Respondent(s)**

FOR ADMISSION

Date : 10-02-2025 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s): Mr. Rajesh Sen, Adv.
Ms. Shibani Bhattacharjee, Adv.
Mr. Vikas Jain, AOR

For Respondent(s): Mr. Krishnan Agarwal, Adv.
Mr. Guruprasad Naik, Adv.
Mr. Ivo M.S. Decosta, AOR

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

Leave granted.

The Appeal is partly allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of accordingly.

(ASHISH KONDLE) **(AVGV RAMU)**
ASTT. REGISTRAR-cum-PS **COURT MASTER (NSH)**
[THE SIGNED ORDER IS PLACED ON THE FILE]