

IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION

ORIGINAL SIDE  
APOT/201/2022

WITH  
WPO/2216/2022  
IA NO:GA/1/2022  
GA/2/2022

HARIDAS PAL  
VS  
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE  
The Hon'ble JUSTICE APURBA SINHA RAY  
Date : 14<sup>TH</sup> DECEMBER, 2022.

Appearance:

*Mr. Debashis Banerjee, Advocate*  
*Ms. Moumita Pandit, Advocate*  
*Mr. Supreme Naskar, Advocate*  
*...for Appellant*

*Mr. Debasish Nandy, Advocate*  
*...for Respondent no.9*

*Mr. Sucharita Roy, Advocate*  
*...for State*

*Mr. Swapan Kr. Debnath, Advocate*  
*Mr.D.Mondal, Advocate*  
*.....for KMC*

The Court: By consent of the parties, the appeal and the applications are taken up for hearing.

G.A. No.1 of 2022 in APOT 201 of 2022 is an application for condonation of delay in filing the appeal. Causes shown being sufficient, the delay is condoned. G.A.No.1 of 2022 is disposed of.

This appeal is directed against a judgment and order dated June 23, 2022, whereby the appellant's writ petition being WPO No. 2216 of 2022 was dismissed.

The appellant approached the learned Single Judge with the complaint that the private-respondents, who are the immediate neighbours of the appellant, are making unauthorized construction. The learned Judge called for a report from the Corporation authorities. A report signed by the Assistant Engineer (Civil), Building Department, Borough-I of the Kolkata Municipal Corporation, was submitted. The learned Judge went through the report and came to the conclusion that there was no unauthorized construction and the appellant's grievance was baseless. Accordingly, the writ petition was dismissed. Hence, this appeal.

Learned advocate appearing for the appellant submitted that he did not have the opportunity of considering the report submitted by the Assistant Engineer which was filed in Court. No copy was made available to him. Learned advocate wanted to rely on certain documents which were not placed before the learned Judge. Since the learned Judge did not have the occasion to consider such documents, we are not inclined to allow the appellant to rely on such documents before us.

However, the appellant would be at liberty to approach the learned Judge with an appropriate application and if the same is done, the learned Judge may consider and dispose of such application on its merits.

We find no infirmity in the order under appeal. Hence, we are not inclined to interfere with the order under appeal.

The appeal and the connected application being GA/2/2022 are accordingly dismissed.

[ARIJIT BANERJEE, J]

[APURBA SINHA RAY, J.]