

Item No.10

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.01.2023
Ct-24

WPA 15903 of 2022
Sk. Rafizul
v.

The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee
Ms. Swarnali Saha
... for the petitioner.

Ms. Debarati Sen
... for the State.

Mr. Mir. Anuruzzaman
... for the Municipality.

A joint inspection had been conducted on January 7, 2023 and the alleged unauthorized construction had been identified. The same is a passenger shed constructed on the PWD land approximately 120 sq. ft. which is more than 17 feet away from the edge of the Bituminous Road. The passenger shed has been constructed for public interest from the legislative funds of the member of the Legislative Assembly. The height of the shed including parapet wall is 3.7 meter.

At the time of filing of the writ petition the grievance of the petitioner was that approximately 2000 sq. ft. was being constructed unauthorizedly. Thereafter the petitioner contended that nearly 300 to 500 sq. ft. has been used for construction.

Presently from the report it appears that only 120 sq. ft. has been constructed as the passenger shed.

It does not appear that the allegation of unauthorized construction made by the petitioner can be supported by proper facts. The construction in question is a public utility service over government plot of land. The same cannot be treated as unauthorized construction as alleged or at all.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

The report filed by the engineer of the Municipality and the PW (Roads) Directorate signed on January 7, 2023 and January 10, 2023 respectively are kept with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)