

Item No.26

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.12.2023
Ct-24

WPA 17484 of 2023

Soma Das

v.

The State of West Bengal & Ors.

Ms. Swheta Maity

... for the petitioner.

Mr. Lalit Mohan Mahata

Mr. Ziaul Haque

... for the State.

Mr. Nilanjan Chatterjee

Mr. Sudar Gopal Bhattacharyya

... for the KMC.

The petitioner complains of a construction at premises no. 147/H/1, Keshab Chandra Street, Ward No. 38, Borough-IV of the Kolkata Municipal Corporation. She claims that she avails the road adjacent to the premises where the construction is being made.

According to the petitioner, the construction is being made with inferior quality materials, without the sanctioned plan from the appropriate authority.

The petitioner contends that the building is situated in a densely populated area and it may be fatal to lives and properties of the people nearby.

There is nothing on record to suggest that the petitioner tested the quality of the materials used for making construction. She has made absolutely wild allegation that inferior quality materials are used for

construction. Without proper research being made, a representation was filed through the learned advocate. The petitioner alleges that the said representation has not been considered.

Learned advocate representing the Kolkata Municipal Corporation relies upon a report signed by the Sub-Assistant Registrar (C), Assistant Registrar(C) and Executive Engineer(C)/Building, Borough-IV & V on August 9, 2023 which mentions that the site was inspected and an old single storied building which is fully occupied was found. No new construction was detected during inspection.

From the report filed by three engineers of the Kolkata Municipal Corporation the allegation of the petitioner of unauthorized construction with inferior quality materials remains unsubstantiated.

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.

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.)