

20-11-2023
Item No.19
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.18631 of 2023
Subrata Shyam Roy
-vs-
The State of West Bengal & Ors.

Mr. Gautam Banerjee
Mr. Ashis Bose
Ms. Chumki Das Bairagya
Ms. Priya Dey ...for the petitioner

Mr. Suman Ghosh
Mr. Sanatan Panja ...for the State

Mr. Soumyajit Bhatta ...for the municipality

The petitioner alleges illegal and unauthorised construction at the behest of the private respondent.

It is alleged that an objection filed against such unauthorised construction has not been considered till date.

None represents the private respondent. Affidavit of service is taken on record.

Learned advocate representing the Panihati Municipality produces a report before this court signed by the Sub-Assistant Engineer, Panihati Municipality on October 17, 2023. The report mentions that the concerned municipal officials visited the spot in presence of one Sri Supriya Shyam Roy (brother of the petitioner) on October 17, 2023 and found that the private respondent, Sri Dibyendu Roy, is constructing a G+3-storied building and that the newly constructed building is towards the southern side of the petitioner's house

leaving a space measuring about 8 feet, 7 feet 9 inch and 8 feet 3 inch (approx) from the side of the petitioner's land. The total length of the building is about 43 feet 7 inch and also one 3 feet cantilever is lying from the first-third floors of that building in the northern side and the septic tank of the building is lying adjacent to the boundary wall of the petitioner.

However, there is no indication in the said report that any unauthorised construction/deviation is being made at the instance of the person responsible. Let a copy of the report be handed over to the learned advocate representing the petitioner.

As there appears nothing adverse in the said report, accordingly the relief sought for by the petitioner cannot be granted.

Thus, the writ petition fails and is hereby dismissed.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

