

D/L. 27.
December 7, 2023.
MNS.

WPA No. 24554 of 2023

Partha Das
Vs.
The State of West Bengal and others

Mr. Kalyan Kumar Chakraborty,
Mr. Kashinath Bhattacharya,
Mr. Ashok Halder

... for the petitioner.

Mr. Jyoti Prakash Chatterjee,
Mr. Supriya Majumder

...for the State.

1. Learned counsel for the petitioner contends that the Public Works Department (PWD) is constructing a multistoried building immediately adjacent to the property of the petitioner, which will cause blockage of air, light and other amenities to the petitioner's landed property.
2. Learned counsel appearing for the respondent authorities hands over a written instruction, whereby it has been intimated that the construction is in terms of a Central project for upgradation of the Kalyani Expressway. It is submitted that the construction is being made well within the contemplation of the relevant law. As such, it is argued that in public

interest, the representation of the petitioner cannot be considered.

3. Upon hearing learned counsel for the parties, it transpires that the respondents plead that their construction is being made under a public project. As such, the writ court has no scope of interdicting the same for the personal cause of action of the petitioner, who is an individual.
4. However, it still remains to be seen as to whether the petitioner's civil rights pertaining to the property adjacent to the highway are being affected in any manner. If it is so found, the remedy of the petitioner lies before a competent civil court.
5. Accordingly, WPA No. 24554 of 2023 is disposed of by granting liberty to the petitioner to approach the competent civil court with the allegation that the air, light and other amenities to the petitioner's property are being encroached upon by the respondents.
6. If such a suit is filed and an interlocutory application is made in connection therewith, the concerned Civil Court shall deal with the same independently without being influenced

in any manner by any of the observations made herein.

7. The learned Advocate for the respondents shall hand over a copy of the concerned notification to his counterpart appearing for the petitioner.
8. Immediately after the above direction, such copy is handed over here and now.
9. There will be no order as to costs.
10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)