

OD-8

ORDER SHEET
RVWO No.35 of 2022
IA NO: GA/1/2023
IA NO: GA/2/2023
Arising out of
WPO No.2850 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BISWAJIT GOSWAMI
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 30th January, 2023.

Appearance:
Mr. Tapas Dutta, Adv.
....for the Petitioner.
Mr. Alak Kumar Ghosh, Adv.
Mr. Swapan Kumar Debnath, Adv.
Mr. Gopal Chandra Das, Adv.
Mr. Debangshu Mondal, Adv.
... for K.M.C.
Mr. Arindam Banerjee, Adv.
Mr. Sidhartha Sharma, Adv.
Mr. Rishav Dutt, Adv.
...for Respondent No.5.
Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
...for State.

The Court:-The instant application has been filed seeking review of the order passed by this Court on 3rd November, 2022.

I have heard the learned advocate for the petitioner in details.

The petitioner places the report filed by the Kolkata Municipal Corporation in Title Suit No.469 of 2020 on 22nd August, 2022 and the report filed by the Corporation in the writ petition on 15th October, 2022.

It appears from the submissions made on behalf of the petitioner that the petitioner is aggrieved by the contrary report filed by the Corporation in the pending title suit and the writ petition.

The petitioner submits that the report signed by the engineers of the Corporation on 15th October, 2022 was not readily available to him and he could not make appropriate submissions on the day the writ petition was disposed of.

It has further been pointed out that in the report dated 15th October, 2022 the Corporation mentions that on inspection 'some' partition brick wall was found at the site whereas in the order dated 3rd November, 2022 the Court recorded that 'a' partition brick wall at the first floor (inside the building) was found.

Report dated 15th October, 2022 has been retained with the records of the case.

Apart from the recording of the word 'a' in place and instead of 'some', there is no discrepancy between the report and the order passed by this Court.

This Court is of the opinion that there is no ground made out in the application for review which can be entertained for the purpose of allowing the application.

In view of the above, no relief can be granted to the petitioner in the present application for review.

It will be open for the petitioner to initiate appropriate proceeding in accordance with law if the petitioner is aggrieved by the alleged contrary report filed by the engineers of the Kolkata Municipal Corporation.

The application for review being RVWO No.35 of 2022 stands dismissed.

Affidavit of service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)