

23-04-2024
Item No.26
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.1447 of 2024
Sri Rasu Santra
-vs-
The State of West Bengal & Ors.

Mr. Animesh Paul ...for the petitioner

Mr. Lalit Mohan Mahata, AGP
Mr. Rudranil De ...for the State

Ms. Mekhla Sinha ...for Zilla Parishad

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K. R. Ahmed
Mr. Rudranil Das
Mr. Tapas Chatterjee
Mr. Soumava Santra ...for respondent no.6

Order dated December 4, 2023 passed by the District Engineer, Howrah Zilla Parishad in compliance of the direction passed by this court in writ petition being WPA No.6772 of 2023 is impugned in the instant writ petition.

By the order dated April 3, 2023, the court directed the District Engineer of the Howrah Zilla Parishad to re-hear the issue of unauthorised construction raised by the petitioner upon furnishing a copy of the report of the chartered engineer to the respective parties and providing them an opportunity to respond to such report.

The Howrah Zilla Parishad prepared the report by taking assistance of one Kalyan Brata Roy, Chartered Engineer, Senior P.E/ECI/ FIAStrucE, FIGS, F.I.I.V.

MIAStrR MASCE, MIA Engg. MIPhE, ESE. The report was circulated and an opportunity of hearing was given to all the parties. The petitioner filed objection to the report that has been prepared by the engineers.

I have perused the said report. It does not appear therefrom that the allegation of unauthorised construction raised by the petitioner is proper. The engineer has annexed photographs to suggest that the construction in question is an old one.

The petitioner and the private respondent are co-sharers of the subject property. A suit for partition is pending consideration before the learned civil court.

As the allegation of the petitioner regarding unauthorised construction remains unsubstantiated, accordingly, the court is not inclined to entertain the writ petition.

The District Engineer of the Howrah Zilla Parishad has mentioned that the Chartered Engineer's report was considered and found to be correct, genuine and scientific. The Howrah Zilla Parishad does not intend to re-inspect the subject matter all over again.

It appears that the petitioner is time and again raising the issue of unauthorised construction, but the same cannot be substantiated.

It will be open for the parties to take steps in accordance with the order to be passed by the civil court in the partition suit.

The allegation of unauthorised construction stands thus disposed of.

WPA No.1447 of 2024 is disposed of.

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

[Amrita Sinha, J]