

12 27.06.2024
AN Ct. No. 01

WPA(P) 229 of 2024

Rajib Kumar Acharyya
vs.
State of West Bengal & Ors.

Mr. Goutam Malik
Mr. B. B. Maity

... for the petitioner

Mr. Jahar Lal De
Mr. Supratim Dhar

... for the State

1. This writ petition styled as a Public Interest Litigation filed by the petitioner stating that the embankment has to be constructed, that the width of the embankment road has to be increased from 2.4 meters to 3.0 meters for the interest of the public at large. There are some allegations made that the Contractor who has been entrusted with the work, is a Black Listed Contractor. However, the contractor has not been made as a party in the writ petition. A report has been submitted by the Executive Engineer, East Midnapore Division dated 07.06.2024 wherein it is stated that on technical assessment it has been found that it is not possible to increase the width of the road as the width of the road is technically approved and the schedule of the workers have already been issued. Further, the road is technically not possible to increase as minimum shoulder is to be given for structural stability of the road on either side, further, there is a limited width which is less than 3.00 meters, no further widening of the road is possible for the proposed road on

the engineering point of view.

2. Thus, the matter has been technically assessed and the report has been submitted. In a Public Interest Litigation, Court cannot examine technical aspects as to the feasibility of the width of the road or otherwise.

3. With the above observations and directions, the writ petition stands **dismissed**.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)