

M.289
Ct
No24
AGM

17.05
.2024

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 27913 of 2022

**Pradip Kumar Pal
Vs
State of West Bengal & Ors.**

**Mr. Pinaki Dhole.
Mr. Ziaul Rahaman.**

... For the Petitioner.

**Mr. Gopal Chandra Das.
Ms. Manisha Nath.**

... for the KMC.

The petitioner complains that the private respondent has raised the frontage of their premises in such a manner that a slope has been made in front of the petitioner's building. Because of the raise in the frontage and the consequential slope, there is huge water logging and the area becomes extremely slippery. The petitioner is suffering from cancer and there is every possibility that the petitioner may trip on the slippery slope and may cause fatal accident.

Complaint was lodged before the Executive Engineer of the Building Department, Borough VIII but the same is alleged to be kept pending.

None represents the private respondents.

As it appears that the objection filed by the petitioner is pending consideration at the end of the Executive Engineer, accordingly, the instant writ petition is disposed of by directing the Executive Engineer being

the respondent no. 4 herein, to cause a spot inspection, upon prior notice to both the parties, to ascertain the allegation. The aforesaid respondent shall thereafter decide the objection filed by the petitioner in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. A reasoned order shall be passed and communicated to the parties.

All consequential remedial steps shall be taken by the Executive Engineer to ensure that water logging is not caused in front of the petitioner's premises in view of the slope that has been made by the private respondents.

Learned advocate representing for the petitioner is directed to forward a copy of the representation dated 26th February, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)