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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

WPA 2260 of 2024

**Sri Paritosh Mridha
-Vs-
State of West Bengal & Ors.**

Mr. Sandip Mondal,
Mr. Abhilash Mittal,
Mr. Shivam Jaiswal

... for the petitioner

Mr. Pretom Das,
Mr. Nabankur Pal

... for the State

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

The petitioner is the superintending Engineer at Planning Circle North, Siliguri, Municipal Engineering Directorate. The petitioner says that a water supply Project under the Scheme of Atal Mission Rejuvenation and Urban Transformation (in short, 'AMRUT') has been undertaken by Darjeeling Municipality, the respondent no. 2. The project cost is about Rs. 204.85 crores. The petitioner says that after taking charge, he has found that though some of the underground reservoirs have been constructed but the entire design and drawing for the purpose of construction of water reservoirs are defective. The petitioner has brought this fact to the

notice of his superior officials as the state agencies. It is also the case of the petitioner that the area in which this project has been undertaken is an earthquake prone zone for which special precaution while preparing the design and drawings was required to be taken. As an engineer, the petitioner has found that such precaution appears to have not been taken for which he has suggested for taking an opinion from an expert body/agency. The petitioner says that the work has been allotted to the respondent no. 8. The petitioner apprehends that if there is a defect found in the Project at a subsequent stage, the petitioner as the Superintending Engineer may be hauled up with such responsibility. The petitioner, therefore, wants his slate to be clean.

After hearing the parties and considering the materials on record, I find that the petitioner as the Superintending Engineer is supervising the implementation of the project. The design and drawing has been done by a different agency. In a Government project, due care is normally taken while preparing the design and drawing as it passes the scrutiny of various agencies. The petitioner as an engineer may have a particular view or perception regarding the defect in the design and drawing. The petitioner, however, is not design and drawing expert in this case. The petitioner has brought the defects in the design and drawing of

the Project, which according to him, persists and may in future lead a disruption in the water supply Project to this higher authority and the state agencies. The petitioner's obligation and/or responsibility as a Superintending Engineer in-charge of the Project is discharged while he has brought this defects to the notice of the contractors, his superior officers and the State Agencies. It is for the State Agencies now to consider and act on the issues being pointed out by the petitioner. The petitioner cannot seek a mandatory order compelling the agencies to take expert opinion as suggested by him.

In the aforesaid facts and circumstances, I do not find any substantive cause of action that exist in favour of the petitioner at this stage as a Superintending Engineer to seek the remedies sought for in the writ petition. One has to also judge the petitioner's case from the angle as an officer of the Government deployed for implementing the project vis-à-vis his private individual right as a citizen of this country at a resident of Siliguri, District-Darjeeling to receive fresh and clean water. The petitioner has not approached the Court as a private individual but in his official capacity. The petitioner's responsibility as to the defective drawing and design once he has pointed out the same.

Considering this aspect, the writ petition is disposed of by recording the grievances of the petitioner

to have been brought to the notice of all concerned. It will, however, be open to the Government Agencies to take appropriate steps, if so necessary, as per the defects pointed out by the petitioner and suggestions given by him.

(Arindam Mukherjee, J.)