

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Shampa Dutt (Paul)

WPA 12993 of 2023

Sankar Lal Singh

Versus

The Kolkata Municipal Corporation & Ors.

For the Petitioner : Mr. Soumya Majumder,
Mr. Pourush Bandopadhyay,
Mr. Uttam Kumar Mondal,
Mr. Abhidipto Tarafdar,
Ms. Maitree Roy.

For the KMC : Mr. Alope Kumar Ghosh,
Mr. Gopal Chandra Das.

For the KMDA/Respondent : Mr. Satyajit Talukdar,
No.8 Mr. Arindam Chatterjee.

For the Respondent No. 10 : Mr. Biswaroop Bhattacharya,
Mr. Dhilon Sengupta,
Ms. Sohini Mukherjee.

Hearing concluded on : 26.02.2025

Judgment on : 13.03.2025

SHAMPA DUTT (PAUL), J. :

1. The present revision has been preferred praying for direction upon the respondent authorities to recall and/or withdraw the sanction plan for construction of the building with basement at 258, Vivekananda Road, Kolkata-700 006.
2. In course of hearing several reports were filed by the KMC & KMDA. A copy of the sanctioned plan is also on record.
3. A joint report dated 13.12.2024 **with clarification** has been filed by the KMDA and the Kolkata Municipal Corporation. **The report endorsed by 4 (four) Engineers is as follows:-**

“Report on
WPA No. 12993 of 2023
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*KMDA has conducted a thorough analysis of the pressure bulb for the proposed building (B+G+VI). The results indicate that pressure exerted from the proposed building to the bridge's approach wall will be negligible. **This analysis confirms that there will be no harmful effects on the integrity or safety of the bridge approaches due to pressure coming from the proposed building.***

Sd/-
13.12.2024
Executive Engineer
In-Charge of Assistant Engineer
Kalyani Construction Division
Roads & Bridges Sector/K.M.D.A.

Sd/-
13.12.2024
Executive Engineer
Kalyani Construction Division
Roads & Bridges Sector/K.M.D.A.

Sd/-
13.12.2024
Asstt. Engineer
Building Department
The Kolkata Municipal Corporation
Borough No. IV & V

Sd/-
13.12.2024
Executive Engineer (Bldg.)
Borough NO. IV & V
Building Department
K.M.C.”

4. An exception to the said report has been filed denying the findings in the said joint report filed by the KMDA and the KMC. It is further argued by the petitioners that various agencies have given different measurement in respect of the distance between the bridge and the construction in dispute and as such the reports cannot be relied upon.
5. The joint report of the KMDA and the Kolkata Municipal Corporation dated 13.12.2024 submitted by the Engineers (4) of the KMDA and the Kolkata Municipal Corporation, categorically states that:-***“This analysis confirms that there will be no harmful effects on the integrity or safety of the bridge approaches due to pressure coming from the proposed building.”***
6. As such, as it is the authority concerned who has sanctioned the plan and submitted the report dated 13.12.24 which is very specific, being that ***“This analysis confirms that there will be no harmful effects on the integrity or safety of the bridge***

approaches due to pressure coming from the proposed building.”, this Court finds no reason to interfere with the decision of the authorities concerned.

- 7. The writ application is dismissed.**
- 8.** Applications, if any, connected thereto stand disposed of consequently.
- 9.** Interim order, if any, stands vacated.
- 10.** Urgent Photostat certified copy of this judgment, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

[Shampa Dutt (Paul), J.]