

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/977/2024

PROSENJIT DAS

-vs-

THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 26th February, 2025

Appearance:

Mr. Amit Gupta, Adv.

....for the petitioner

Mr. Alak Kr. Ghosh, Adv.

Mr. Swapan Kr. Debnath, Adv.

...for the K.M.C.

Mr. Rahul Karmakar, Adv.

Mr. Deobrat Upadhyay, Adv.

Ms. Nabanita Bhadra, Adv.

Mr. Muhammad Obaid, Adv.

...for respondent nos. 6 to 9.

The Court:- It is not in dispute that the petitioner and the respondent nos. 6 to 9 are co-sharer of a building partitioned among themselves.

It is also not in dispute that the stair case has been constructed within the portion allotted in favour of respondent nos. 6 to 9.

Learned Advocate appearing for the petitioner, submits that the construction of the relevant stair case running from ground floor to first floor at the relevant portion of the respondent nos. 6 to 9 has disturbed the structural stability of the whole building.

He further submits that the structural stability certificate for the relevant construction has been issued by an empanelled structural engineer of the Corporation at the behest of respondent nos. 6 to 9. He presses for an independent structural engineer to assess the structural stability of the building.

The Corporation, however, submits that the relevant construction has been regularized by the Corporation upon considering the structural stability certificate issued by the empanelled engineer of the Corporation.

I am not inclined to accept the submissions of the petitioner. I have verified the credentials of the engineer who has issued the structural certificate. I have no reason to discard the certificate issued by the structural engineer.

In view of the above, no order needs to be passed in this writ petition.

Accordingly, WPO No. 977 of 2024 is disposed of.

(KAUSIK CHANDA, J.)