

S/L 55
29.07.2026
Court No.9
Swd

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

SA 159 of 2017
With
IA NO: CAN/1/2017(Old No:CAN/2083/2017),
CAN/2/2026

The State of West Bengal & Anr.
Vs.
M/s. Shivani Properties Pvt. Ltd.

Mr. Akash Munshi,
Mr. Nikunj Berlia.

... for the Appellant.

Mr. Saptanshu Basu, Sr. Adv.
Mr. Avinash Kankani,
Mr. Sagnik Mukherjee.

... for the Respondent.

1. The learned Advocate for the parties are present.
2. Learned Special Officer has filed the report.
Perused the reported considered. It is pointed out by the learned Advocate for the appellant that measurement of the suit property was not taken. Upon perusing the report it appears that although a surveyor was engaged by the special officer but learned Advocate for the appellant stated that they cannot give the consent without taking approval from their client and, therefore, sought time. Thus, the measurement of the suit property could not be done by the surveyor.
3. The learned Advocate appearing for the respondent insists that the measurement be

taken. The learned Special Officer who was appointed once again is reappointed for the purpose of recording the measurement of the suit property and also to make enquiries with regard to the rent prevailing in the building.

4. The survey could not be conducted due to delay caused by the appellant, thus, further remuneration of the learned Special Officer shall be borne by the appellant. Thus, the inspection is to be caused by the Special Officer upon appointing a surveyor and upon notice to both the parties and the learned Advocates. Learned Special Officer is entitled to further remuneration of 300 GMS to be paid by the appellant.
5. Let the report be submitted by the learned Special Officer on 13th August, 2026. Necessary instruction must be obtained by the learned Advocates from their client in the meantime so that the inspection is not delayed.

(BISWAROOP CHOWDHURY, J.)