

OD-9

ORDER SHEET

IA NO.GA/1/2023  
WPO No.513 of 2023  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

PAYEL PAUL  
VS.  
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:  
The Hon'ble JUSTICE AMRITA SINHA  
Date: 10<sup>th</sup> April, 2023.

Mr. Tapas Dutta, Advocate for Applicant.

Mr. Alak Kr. Ghosh, Mr. Gopal Chandra Das, Advocates for KMC.

Mr. Sidharth Sharma, Mr. Rishav Dutt,  
Mr. A. Kataruka, Advocates for the Respondent No.7.

The Court:- In the instant application the petitioner has prayed for a direction upon the respondent authority to disclose certain information namely [i] total dead load capacity of the existing structure, [ii] additional dead load created due to new construction in the 1<sup>st</sup> floor of the subject premises, and [iii] the permissible dead load limit of the existing structure at 2, Hare Street, Ward No.45, Borough-V under the jurisdiction of Kolkata Municipal Corporation.

A report has been filed by the engineers of the Corporation mentioning that the partition walls that have been constructed are not adding up any extra load beyond permissible limit of the existing structure as the internal partition walls are meant for dividing the entire floor into different rooms for creating workable space.

The Court directed the Executive Engineer of the concerned Borough to cause a spot inspection upon prior notice to the parties for ascertaining whether the construction work that is going on in the first floor of the subject premises requires sanction and whether the partition walls that are being construction are adding up any extra load to the existing old structure.

It appears from the report filed by the Corporation that the query of the Court has been answered and further details sought for by the petitioner in the application is not required to be supplied to the petitioner.

The same will amount to fishing out evidence for pursuing future litigation in the matter. As it is, there are several litigations pending in respect of the same property alleging unauthorised construction. The Court sitting in the Writ jurisdiction will not be the appropriate authority to pass any such order.

In view of the above, no further relief can be granted to the petitioner in the application filed.

The application stands disposed of.

Report in the form of affidavit filed by the Kolkata Municipal be retained with the records.

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

(AMRITA SINHA, J.)