

10.09.2020.

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Item No.04/DL
Court No. 13

WPA No. 6141 of 2020
With
CAN No. 1 of 2020
Old No. CAN/4419/2020)
Satinath Dey & Anr.
Versus
Howrah Municipal Corporation & Ors.

(via video conference)

Mr. Bidyut Kr. Halder
Mr.Indranil Halderfor the petitioners

Mr. Sandipan Banerjee
...for the Howrah Municipal Corpn.

Mr. Anil Kr. Chattopadhyay...for the respondent no.4

The writ petitioners are the resident of the premises no.
12/1, Madhab Banerjee Lane, Bally, Howrah- 711 201.
Obtaining a sanctioned plan from the Howrah Municipal
Corporation, the petitioners constructed one storied building
on the said plot of land.

The writ petitioners complaint that the respondent no.
4 raised an unauthorised construction on a adjacent plot of
land being no. 12/2A, Madhab Banerjee Lane, Bally, Howrah-
711 201 which is in violation of Howrah Municipal
Corporation Act and the Rules framed thereunder.

It is pointed out by the petitioner that there has been total violation of the Howrah Municipal Corporation Act and the Rules framed thereunder by the respondent no. 4 by deviation of the adjoining of the building which is effecting the common passage of the petitioners.

Alleging the illegal construction being made digressing a sanctioned plan by the private respondents, the petitioners made a written complaint to Howrah Municipal Corporation Authority as well as to the concerned Police Station by letter dated August 16, 2019 which was duly received by them but the Howrah Municipal Corporation Authority as well as the concerned police station did not pay any heed to them. Hence, this writ petition.

Learned counsel appearing for the Howrah Municipal Corporation Authority submits that the writ petition can be disposed of by directing the Howrah Municipal Corporation Authority to consider the complaint of the petitioners.

At this stage learned advocate for the respondent no. 4 has pressed in service a photo copy of the order dated August 07, 2020 passed in W.P.No. 6100(W) of 2020 along with CAN No. 4346 of 2020 wherein a coordinate Bench of this Court was pleased to direct the respondent no. 2 to consider the representation of the petitioner after giving them opportunity

of hearing to the petitioner and the private respondents and to take necessary decision in the matter in accordance with prevailing building rules at the earliest preferably within a period of four weeks from date with direction to communicate the decision within a week to the parties concerned.

In the above premises, this writ petition is disposed of by directing the Howrah Municipal Corporation Authority to consider and disposed of the complaint of the petitioners and to communicate their reasoned order to the petitioners. The Howrah Municipal Corporation Authority is also directed to find out as to whether any illegal construction is made by the petitioners or the private respondent and if it is found that any of the parties made illegal construction then the Howrah Municipal Corporation Authority will take legal action against the erring person.

It is made clear that the entire exercise will be completed within 8 weeks from date.

Since any affidavits do not call for the allegations made in this writ petition be deemed not to have been admitted by the respondents.

With these directions this writ petition being W.P.No. 6141 of 2020 and CAN 1 of 2020 are disposed of without any order as to costs.

(Shivakant Prasad, J.)