

10.09.2020
srm

**W.P.A. No. 6617 of 2020
CAN 1 of 2020 (Old No. CAN 5435 of 2020)**

(Via Video Conference)

Debasis Pain & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Arindam Mandal,

Mr. Aditya Mondal

...for the Petitioner.

Mr. Sandipan Banerjee

...for the Howrah
Municipal Corporation .

Mr. Debjit Mukherjee,

Mrs. Susmita Chatterjee,

Mr. Kaustav Bhattacharya

...for the Respondent No.8.

Affidavit of service is taken on record.

The writ petition is taken up for hearing through
video conferencing in view of the urgency.

The application being CAN 1 of 2020 (Old No. CAN
5435 of 2020) is disposed of.

The petitioner alleges unauthorised construction
by the respondent No.8 in a common passage between
the premises of the petitioner and the premises of the
respondnt No.8.

It is submitted that although a complaint was
lodged with the concerned Municipal Corporation but no
steps have been taken as yet.

Mr. Mukherjee, learned Advocate appearing on
behalf of the respondent No.8, submits that Howrah

Municipal Corporation has already initiated proceeding under Section 177 of the Howrah Municipal Corporation Act, 1980.

Mr. Banerjee, learned Advocate appearing on behalf of the Howrah Municipal Corporation, submits that a complaint has been received and steps will be taken by the Howrah Municipal Corporation. As proceedings have been initiated, the same should be disposed of within 8 weeks from date.

It is needless to mention that during the proceedings all the parties should be heard and allowed to submit documents and evidence with regard to the allegations and counter-allegations. The orders passed will be made available to all parties.

This Court has not gone into the merits of the case and all points are left to be decided by the appropriate authorities on the basis of the records and report of the inspection. Such inspection to be held in presence of all the parties. The authorities shall also see that no unauthorized construction is carried on in the meantime.

As no affidavits have been called for all the allegations against the respondents are deemed to have been denied.

The writ petition stands disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)