

13.10.2020

Item No.07
Court No.11
Avijit Mitra

W.P.A. No. 7416 of 2020 (Via Video Conference)

CAN 1 of 2020

**In re: Sushil Kumar Chowdhary
- Versus -
Howrah Municipal Corporation &
Ors.**

Mr. Tanmoy Mukherjee
For the Petitioner
Mr. Sandipan Banerjee,
Mr. Ankit Surekha
For the H.M.C.
Md. Ali Mansoor
For the Respondent no.5

In view of the express undertaking of the petitioners to comply with all the formalities regarding filing including stamping of the petition immediately upon resumption of normal Court business and in view of the urgency pleaded, the application, being CAN 1 of 2020, is allowed and the writ petition is taken up for hearing.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that on a plot of land detailed in paragraph 3 of the writ petition, which is adjacent to the petitioner's land, an unauthorised construction has been raised without obtaining necessary sanction plan from the Howrah Municipal Corporation (in short, HMC) authorities. Such fact would be explicit from the reply furnished by the HMC

authorities *vide* memo dated 16th June, 2020. Thereafter, he submitted a representation on 12th August, 2020 to the municipal authorities with a prayer for demolition. The said representation has not yet been considered and aggrieved thereby, the petitioner has approached this Court.

Mr. Mansoor, learned advocate appearing for the respondent no.5 denies and disputes the contention of the petitioner and submits that one Mr. Sunil Choudhury had earlier preferred a writ petition pertaining to the construction and the same has been dismissed by an order dated 16th May, 2018.

Mr. Banerjee, learned advocate appears on behalf of the HMC authorities and submits that a decision is yet to be taken by the municipal authorities on the basis of the petitioner's representation.

It appears that the earlier writ petition was not entertained since the petitioner therein had already approached the competent civil forum.

Upon hearing the learned advocates appearing for the respective parties and upon considering the materials on record, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the issue

needs to be relegated to the competent authority for taking a final decision.

Accordingly, this Court directs the respondent no.3 to consider the representation submitted by the petitioner on 12th August, 2020, upon granting an opportunity of hearing to the petitioner, the private respondent no.5 and other interested parties, if any and to take a decision, in accordance with law and to communicate the same to the parties.

The above exercise shall be completed by the respondent no.3 within a period of six weeks from the date of communication of this order.

With the above observation and direction, the writ petition, is accordingly, disposed of.

There shall however be no order as to costs.

All parties are directed to act on the server copy of this order.

(Tapabrata Chakraborty, J.)