

22.03.2021
SL No. 22
Court No.24
(P.M.)

WPA 1380 of 2021
Vishal Prasad & Anr.
Vs.
The State of West Bengal & Ors.

Md. Bani Israil,
Mr. Kanchan Gupta
... for the petitioners

Mr. Uddipan Banerjee
.... For the respondent No. 4
Mr. Sandipan Banerjee,
Mr. Ankit Sureka
..... for Howrah Municipal Corporation

Mr. Malay Krishna De,
Mr. M. Zahur Rahaman
.... For the State.

The petitioner No. 2 claims to be the co-owner of the premises No. 21/1, Jelia Para Lane, P.O. Salkia, P.S. – Golabari, District Howrah, Pin – 711106 and the petitioner No. 1 is the son of the petitioner No. 2.

The petitioners claim that the premises in question is in a ruinous condition. A representation in the form of a petition was filed before the Commissioner, Howrah Municipal Corporation in December, 2018. The petitioners complain that the said representation has not been taken up for consideration till date.

It appears from the petition filed before the Commissioner, Howrah Municipal Corporation that the same is an extremely voluminous one, annexing several documents which are no way related for the purpose of taking a decision whether the building in question is in a ruinous condition.

Since the petitioners claim that the premises in question is in a dangerous condition, accordingly the Commissioner of the Howrah Municipal Corporation being the respondent No. 3 herein is directed to depute a competent person to inspect the premises in question and prepare an inspection report. On receipt of the inspection report the Commissioner shall take a decision in accordance with the provisions of sections 180 and 189 of the Howrah Municipal Corporation Act, 1980.

The inspection shall be conducted at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order and decision shall be taken by the Commissioner within a fortnight from the date of receipt of the inspection report. The decision of the Commissioner shall be communicated to the petitioners immediately thereafter.

It is made clear that the Howrah Municipal Corporation shall not enter into and decide any private civil dispute in respect of the said property pending between the petitioners and the private party herein. Consideration shall be restricted only whether the condition of the building is in a ruinous, dangerous state or not.

WPA 1380 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)