

Court No. 24

19.02.2021

(Item No. 20)

(AB)

W.P.A 3388 of 2021

Asit Paul @ Asit Kumar Paul

vs

The Howrah Municipal Corporation & Ors.

Mrs. Paromita Malakar (Dutta)

Mr. Subhojit Mukherjee

Ms. Sneha Das

...for the Petitioner

Mr. Sandipan Banerjee

Mr. Ankit Sureka

..... for Howrah Municipal Corpn.

Mr. Partha Pratim Roy

Mr. Debayan Roy

..... for private respondent

The petitioner alleges that the private respondent is making construction without obtaining necessary sanction from the Howrah Municipal Corporation over the premises No. 13B, Mahadev Banerjee Lane, Kadamtala, Police Station – Bantra, District – Howrah – 711 101.

It appears from the representation that has been filed by the petitioner before the Howrah Municipal Corporation that the title of the property is disputed and a Title Suit being No. 975 of 2016 is pending before the Court of the learned 7th Civil Judge, (Junior Division) at Howrah.

The learned advocate representing the private respondent denies that any unauthorized construction is being made over the said premises. It has been submitted that the private respondents are

making construction on the basis of the plan sanctioned by the Howrah Municipal Corporation.

The learned advocate representing the Howrah Municipal Corporation does not have any instructions in the matter.

As it appears that the petitioner has made a representation before the Commissioner of Howrah Municipal Corporation, which is pending consideration, the instant writ petition is disposed of by directing the Howrah Municipal Corporation to take necessary steps for consideration of the representation filed by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, within a period of twelve weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

It is made clear that the Corporation shall not enter into the disputed question of right, title and interest of the parties and will restrict consideration only with respect to the unauthorized construction over the said plot of land.

It is made clear that this Court has not entered into the merits of the claim made by the

petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation made on 18.01.2021 to the aforesaid respondent at the time of communicating the order of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)