

19.02.2021
SL No.11
Court No.24
(P.M.)

WPA 2942 of 2020

Ram Vinod Singh
Vs.
The State of West Bengal & Ors.

Mr. Sanjib Seth
... for the petitioner

Mr. Sandipan Banerjee,
Mr. Ankit Sureka
... for the Howrah
Municipal Corporation.

Ms. Lipika Chatterjee,
Ms. Neelam Singh
... for the State.

The petitioner alleges illegal construction being carried on by deviation of the plan sanction being BR No. C-7 of 2003-04 dated 4th March, 2004 extended till 3rd March, 2007 at premises No. 5, Bellilious Road, P.O. & P.S. Howrah, Ward No. 17, Borough III under the Howrah Municipal Corporation.

The petitioner objected to the aforesaid unauthorized construction. In response to the complaint made by the petitioner, the Howrah Municipal Corporation by a notice bearing reference No. 488/BASTU/15-16 dated 23rd July, 2015 directed the petitioner as well as the private respondent to appear for a hearing fixed on 3rd August, 2015. The petitioner submits that for reasons unknown the hearing stood postponed and was never conducted thereafter.

The petitioner made a further representation before the Howrah Municipal Corporation by a letter dated 30th December, 2019. The petitioner alleges that the said representation has not been considered by the respondent authorities till date.

None appears on behalf of the private respondent despite service. Affidavit of service filed in court is taken on record.

Learned advocate representing the Howrah Municipal Corporation does not have any instruction in the matter.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Howrah Municipal Corporation being the respondent no. 2 to consider and dispose of the representation made 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 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 dated 30th December, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 2942 of 2020 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.)