

Court No. 24

19.03.2021

(Item No. 30)

(AB)

W.P.A 5623 of 2021

Sri Shyamal Dutta

vs

The Howrah Municipal Corporation & Ors.

Mr. Tanmoy Mukherjee

Mr. K. Raihan Ahmed

..... for the petitioner

Mr. Sandipan Banerjee

Mr. Ankit Sureka

..... for Howrah Municipal Corpn.

Mr. Ramashis Mukherjee

Mr. Rameshwar Sinha

... for respondent No. 8

Affidavit of service filed in Court is taken on record.

The petitioner complains of illegal and unauthorized construction by the private respondents at the premises No. 257, Sarat Chatterjee Road, Ward No. 38, Police Station – Shibpur, District – Howrah – 711 102 by raising construction without leaving the mandatory side open spaces.

The petitioner objected to the aforesaid unauthorized construction by writing a letter through his learned advocate on 5th February, 2021. The petitioner complains that the same has not been considered by the respondent authority till date.

The learned advocate appearing on behalf of the private respondent No. 8 submits, upon instructions, that the construction is being made in accordance with the plan sanctioned by the Howrah Municipal Corporation.

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 Administrator-cum-Commissioner, Howrah Municipal Corporation being the respondent No. 2 herein 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, at the earliest, but positively 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.

In the event the aforesaid respondents are of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorised construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to

unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners 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 05.02.2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)