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15.03.2021.
d.p.

**W.P.A 6471 of 2021
(Via Video Conference)**

**Deb Shankar Ray
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Sandip Kumar De,
Mr. Amit Chaudhury.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Ankit Sureka.
...For the HMC.**

**Mr. Manas Kundu,
Md. Mansoor Alam.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner alleges illegal and unauthorized construction without leaving mandatory side open spaces in the Premises No. 18/1, Olabibitala First Bye Lane, Ward No. 42, Borough-VI, Howrah-711104.

The petitioner made representations before the Howrah Municipal Corporation objecting to such unauthorized construction on diverse dates.

The petitioner alleges that none of the representations have been considered by the respondent authorities till date.

The learned advocate appearing for the Howrah Municipal Corporation submits, upon instructions, that the site was inspected by the officer of the Howrah

Municipal Corporation and *prima facie* unauthorized constructions were not found.

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 respondent no. 1, being the Howrah Municipal Corporation herein to consider and dispose of the representation made by the petitioner.

The Howrah Municipal Corporation shall depute a responsible officer to visit the site in question upon prior notice to the petitioner and the private respondent and take a decision with regard to the complaint filed by the petitioner, strictly in accordance with law at the earliest, but positively within a period of six months from the date of communication of a copy of this order.

In the event the aforesaid respondent is 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 unauthorized construction, in accordance with law.

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 26th February, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 6471 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.)