

Item No.9

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

05.03.2021
Ct-24

W.P.A. 7446 of 2019
Sri Basudeb Karar

v

The Howrah Municipal Corporation & Ors.
with
IA No. CAN/1/2020

Mr. Amitava Paine
Mr. Manideepa Paul(Roy)
... for the petitioner.

Mr. N.C. Bihani
Ms. Amrita Pandey
... for the Howrah Municipal Corporation.

Mr. Sanjib Seth
... for the respondent no. 5.

The petitioner alleges that the private respondent has made construction on the Plot No. 85/4, Brindaban Mallick Lane, Howrah without leaving the mandatory side open spaces.

It appears from a communication made by the Assistant Engineer, Borough-VII, Howrah Municipal Corporation dated August 19, 2020 that a hearing was conducted by the Corporation on April 25, 2019. It further appears that the private respondent's representative i.e. Indrajit Chatterjee, son of Pradip

Kumar Chatterjee was present in the hearing and the communication mention that the said Indrajit Chatterjee admitted that during construction there was some deviation from the sanctioned building plan.

The learned advocate for the private respondent submits that his client never made any such admission before the Howrah Municipal Corporation.

In view of such submissions of the parties, the representative of the Howrah Municipal Corporation is directed to inspect the premises in question in presence of the petitioner as well as the private respondent within a period of four months from the date of communication of a copy of this order. The Howrah Municipal Corporation will thereafter prepare the inspection report and if it is found that the construction has been made in deviation of the sanctioned plan then necessary steps shall be taken by the Howrah Municipal Corporation to deal with such unauthorized construction, strictly in accordance with law, within a period of three months from the date of preparation of the inspection report.

The writ petition and the connected application are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)