

Court No. 24

15.06.2021

(Item No. 7)

(AB)

W.P.A 9837 of 2021

Smt. Jaya Ghosh

vs

The Howrah Municipal Corporation & Ors.

Mr. Debjit Mukherjee

Mr. Kaustav Bhattacharjee

..... for the petitioner

Mr. Sandipan Banerjee

Mr. Ankit Surana

..... for the Respondent

None appears on behalf of the respondent Nos. 7, 8 & 9 despite service. Affidavit of service filed in Court today is taken on record.

The petitioner alleges illegal and unauthorized construction by the respondent No. 9 over L.R. Dag No. 780, J.L. No. 101 of Mouza – Balitikuri, H.M.C. Ward No. 50, within P.S. previously Jagacha at present Dasnagar, in the District of Howrah.

The petitioner through her learned advocate made representation before the authorities of the Howrah Municipal Corporation on 15th March, 2021 and alleges that the same has not been considered by the respondent authorities till date.

The learned advocate appearing on behalf of the Howrah Municipal Corporation submits, upon instructions, that on receipt of the complaint from the petitioner, an inspection of the said premises had been conducted however, the report of the inspection could not be prepared in view of the pandemic.

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 Executive Engineer (Building), Howrah Municipal Corporation being the respondent No. 5 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 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 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 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 15th March, 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.)