

S/L 19
09.11.2021
Court. No. 19
GB

WPA 10312 of 2021

Indranil Bhattacharjee
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Dyutiman Banerjee,
Mr. Satyam Mukherjee.*

...for the Petitioner.

*Mr. Sandipan Banerjee,
Mr. Ankit Sureka.*

...for the H.M.C.

*Mr. Sounak Bhattacharya,
Mr. Sumitra Chakraborty.*

...for the Respondent No.8.

The petitioner has alleged unauthorized construction on Premises No.244/1, Sarat Chatterjee Road, Shibpur, Hoarah – 711102, at the instance of the respondent no.8.

It is submitted that the construction is being made in violation of the sanction plan.

Mr. Bhattacharya, learned advocate appearing on behalf of the respondent no.8 submits that the Howrah Municipal Corporation has granted sanction to the building plan and the construction is being made strictly in accordance with law.

Mr. Banerjee, learned advocate appearing on behalf of the Howrah Municipal Corporation submits on instruction that the construction is being carried on in accordance with the sanction plan.

However, as the petitioner has raised a question with regard to the legality of the construction, the appropriate authority of the Howrah Municipal Corporation is directed to dispose of the representation of the petitioner dated April 16, 2021 upon hearing the petitioner as also the respondent no.8 and any other interested party. Upon completion of the hearing a reasoned order shall be passed and communicated to all concerned. On the basis of what transpires at the hearing, steps shall be taken by the Corporation in accordance with law.

The Corporation, prior to such hearing, shall make an inspection in presence of the parties in order to ascertain the nature of the construction. The report shall be supplied to the parties.

However, it is made clear that it is neither for the Corporation nor for this Court to venture into a decision as to whether there has been any encroachment on the land of the petitioner as alleged.

The decision of the Corporation shall be restricted to whether the building is being constructed in accordance with a duly approved sanction plan. The Corporation shall issue prior notice to the parties before holding any such inspection. This Court has not gone into the merits of the claims of the petitioner. The Corporation shall reach the proceedings to its logical conclusion, if it is found that the construction is unauthorized.

The entire exercise shall be completed within a period of 12 weeks from date of communication of this order.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)