

14.07.2021
Court No. 19
Item no.9
sn

WPA No. 11024 of 2021

GOUTAM SAMANTA & ORS. VS. THE
HOWRAH MUNICIPAL CORPORATION & ORS.

(via video conference)

Mr. Haradhan Banerjee
Mr. Amitava Pain
Mr. P.P. Mukhopadhyay
....for the petitioners
Mr. Sandipan Banerjee
Mr. Santanu Chatterjee
..for the HMC

Despite service none appears on behalf of the respondent nos. 5&6. Let the affidavit of service be taken on record.

This writ petition has been filed challenging inaction on the part of the Howrah Municipal Corporation in taking steps for demolition of unauthorized construction allegedly raised by the respondent nos. 5&6.

On an earlier occasion, the petitioners moved this Court by filing a writ petition being WPA 10556 of 2021. By an order dated June 14, 2021, a coordinate Bench of this Court directed the Howrah Municipal Corporation to consider and dispose of the representation made by the petitioners in accordance with law.

It is submitted by Mr. Haradhan Banerjee, learned Advocate for the petitioners that the Corporation has failed to comply with the earlier

direction of this Court and the respondent nos.5&6 are continuing with the construction hurriedly so that the building can be completed before the Corporation or the Court can intervene in the matter. There is already an order of this Court directing the Corporation to take certain steps, but the Corporation has not been able to satisfy the Court as to what positive steps have been taken and what measures have been adopted in order to comply with the earlier directions.

Mr. S. Banerjee, learned Advocate for the Howrah Municipal Corporation submits that an inspection was made and proceedings under Section 177 of the Howrah Municipal Corporation Act has been initiated. As it is submitted by Mr. Banerjee that the Howrah Municipal Corporation has already initiated proceeding under the statute, this writ petition is disposed of with a direction upon the competent authority of the Howrah Municipal Corporation to act and proceed in accordance with law and reach the proceeding to its logical conclusion in terms of the statute. The principles of natural justice shall be complied with and the respondent nos. 5&6 as also the petitioners shall be heard. Further, spot enquiry should be made in presence of the parties and interim measures as may be necessary to ensure that the provisions of law are

upheld should be taken which may include a direction to stop the work.

The entire exercise should be completed within a period of four weeks from the date of communication of this order.

The period mentioned hereinabove is mandatory.

The Court should have zero tolerance for any unauthorized construction or illegal construction and it is for the Corporation to enforce the provisions of statute in this regard. The Court does not make any observation on the merits of the matter.

This writ petition is thus disposed of.

There will be however no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)