

19.07.2021
Court No. 19
Item no.17
CP

WPA 11131 of 2021

Sri Tapas Banerjee
Vs.
Howrah Municipal Corporation & ors.
(via video conference)

Mr. Ayan Banerjee

....for the petitioner.

Mr. Sandipan Banerjee

....for the HMC.

Mr. Jishnu Chowdhury

....for the respondents 6 & 7.

The petitioner is a resident of Flat No. 302, Third Floor at 102/2, Panchanantala Road, P.S. Bally, District – Howrah. The petitioner has alleged unauthorized construction on Premises No. 406, G.T. Road, P.S. Bally, District – Howrah.

It is the contention of the petitioner that 9 floors have been raised illegally and in deviation of the sanction plan. It is submitted that the building rules have been violated. The floor area ratio and the ground coverage are not in accordance with rules. A complaint has been lodged before the Commissioner, Howrah Municipal Corporation on June 21, 2021.

Mr. Chowdhury, learned advocate appearing on behalf of the respondents 6 and 7, submits that the petitioner lives far away from the premises where the construction is being carried out. That the petitioner thus, does not have any locus to file the writ petition.

Be that as it may, there are allegations of unauthorized construction. The Hon'ble Apex Court in the matter of Dipak Kumar Mukherjee vs. Kolkata Municipal Corporation & ors., reported in (2013) 5 SCC 336 has held that the court should have zero tolerance for unauthorized construction.

This court has not gone into the merits of the contentions of the petitioner. However, as there are allegations of illegal construction in a congested area in deviation of the sanction plan and contrary to the law, the competent authority of the Howrah Municipal Corporation is duty-bound to consider such complaint in accordance with law.

Under such circumstances, this writ petition is disposed of with a direction upon the competent authority, Howrah Municipal Corporation to consider and dispose of the representation of the petitioner dated June 25, 2021 upon hearing the petitioner and the respondent nos. 6 and 7 in accordance with law.

A reasoned order should be passed and communicated to all concerned.

The authority concerned shall cause an inspection of the premises in the presence of the respective parties. A copy of the inspection report shall be supplied to the respective parties and the entire proceedings shall be reached to its logical conclusion.

The entire exercise should be concluded within a period of 12 weeks from the date of communication of this order.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)