

14th September, 2021
(D/L 15)
(SKB)

W.P.A. 11274 of 2021
(Via Video Conference)

Goutam Das and another
Versus
State of West Bengal and others

Mr. Subhasish Pachhal
... for the petitioners.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka
... for the H.M.C.

Affidavit of service filed in Court today is taken on record. Postal article sent to the respondent no.10 had returned with an endorsement 'not known'.

The petitioner alleges unauthorised construction on Holding No.4/A/1 Jeliapara 3rd Bye Lane, P.S. Golabari, Ward No.12, Dist.-Howrah.

It is the contention of the petitioner that the respondent no.4 has been raising illegal and unauthorised construction on the said plot of land. It also appears that the Title Suit No.118 of 2001 is pending before the learned Civil Judge (Sr. Division), Howrah.

Without going into the merits of the claim and without making any observation with regard to the allegations in the suit, the writ petition is disposed of with a direction upon the competent authority of the Howrah Municipal Corporation to dispose of the representation dated November 15, 2019 in accordance with law upon

hearing the petitioner as also the respondent no.10. A reasoned order shall be passed and communicated to all the parties. It is made clear that the Corporation shall not look into the disputes, which are already subject matters in the civil suit. The consideration by the corporation shall be only with regard to the question whether any unauthorised construction had taken place in the absence of a sanction plan or in deviation of a plan. This court has not gone into the merits. The Corporation shall decide the issue independently and pass a reasoned order accordingly. The corporation shall cause an inspection prior to the hearing. The Corporation shall act in accordance with law. The entire exercise shall be completed within four months from the date of communication of the order.

(Shampa Sarkar, J.)