

S/L 17
23.09.2021
Court. No. 19
GB

WPA 12312 of 2021

Smt. Uma Devi Prasad
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Payal Shaw,
Mr. Jitesh Sah.*

...for the Petitioner.

*Mr. Debanik Banerjee,
Mr. Ranjit Singh.*

...for the Respondent No.10.

Ms. Sonal Sinha.

...for the Howrah Municipal Corporation.

Although a direction was passed by this court to serve a notice upon Mr. Sandipan Banerjee or Mr. Ankit Sureka, learned advocates, as none had appeared on behalf of the Howrah Municipal Corporation on the last occasion, today, Ms. Sonal Sinha, learned advocate appears in the matter and, as such, the said learned advocate shall represent the Howrah Municipal Corporation.

The petitioner alleges unauthorized construction, in the absence of a sanction plan by the respondent no.10 on holding no.36/21, Harachand Mukherjee Lane, Ward No.20 within Howrah Municipal Corporation. Reliance is placed on an answer to the queries made by the petitioner under the Right To Information Act, from which it appears that no building plan has been sanctioned in favour of the respondent no.10 to construct on holding no.36/21,

Harachand Mukherjee Lane. That the Corporation has already decided to initiate proceedings under Section 177 of the Howrah Municipal Corporation Act. It is submitted by the learned advocate for the petitioner that despite having found that the respondent no.10 did not have a sanction plan, the Corporation sat tight over the matter and allowed the construction to continue. It is further alleged that the police authority has also not taken steps to stop such unauthorized construction.

Ms. Sinha, learned advocate appearing for the Howrah Municipal Corporation submits that the Corporation will proceed in accordance with law.

Under such circumstances, the writ petition is disposed of with a direction upon the competent authority of the Howrah Municipal Corporation to cause an inspection of the premises in question in presence of the parties. Copies of the report of the inspection shall be supplied to the respective parties. A hearing shall be given and a reasoned order shall be passed and communicated to all concerned.

It goes without saying that the Corporation shall act and proceed in accordance with law on the basis of what transpires at the inspection and at the hearing.

This Court has not gone into the merits of the claims and counter-claims of the parties and the Corporation shall act and proceed in compliance of the statutory provisions.

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

It is also made clear that the Corporation shall implement such interim measures as may be necessary to ensure that further unauthorized construction does not take place.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)