

S/L 10
25.08.2021
Court. No. 19
GB

WPA 12569 of 2021

Amit Chatterjee
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Joy Chakraborty.

...for the Petitioner.

Mr. Haradhan Banerjee.

...for the Respondent Nos. 6 & 7.

Mr. Sandipan Banerjee,

Mr. Ankit Sureka.

...for the Howrah Municipal Corporation.

Mr. Pantu Deb Roy,

Mr. Biswajit Dutta.

...for the State.

The writ petition has been filed challenging inaction on the part of the Howrah Municipal Corporation with regard to the unauthorized construction going on at Premises No.56/1, Ram Mohan Mukherjee Lane, P.S. – Shibpur, Ward No.34, Borough No.VI of Howrah Municipal Corporation.

The petitioner submits that the floor area ratio of the land does not permit G+3 building.

Mr. Haradhan Banerjee, learned advocate appearing on behalf of the respondent nos.6 and 7 submits that a proceeding has been initiated under Section 177(1) of the Howrah Municipal Corporation Act and a hearing has been held. He further submits that deviations, if any, are only

minor and the corporation has the jurisdiction to regularize such deviations.

Mr. Sandipan Banerjee, learned advocate appearing on behalf of the Howrah Municipal Corporation submits that the grievance of the petitioner does not survive as the corporation has already initiated a proceeding against the alleged unauthorized construction.

Having heard the rival contentions of the parties, the writ petition is disposed of with a direction upon the competent authority of the Howrah Municipal Corporation to reach the proceeding to its logical conclusion in accordance with law.

This Court has not gone into the matter as to whether the regularization should be permitted or not and it is for the corporation to decide the issues as per law and also on the basis of the nature of unauthorized construction and the extent of deviation and other features, which have transpired during the inspection of the premises in question. The Howrah Municipal Corporation shall conclude the proceeding within a period of three months from date of communication of this order.

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.)