

23.09.2021
Sl. No.23
srm

W.P.A. No. 12727 of 2021

Sanjay Samanta

Vs.

The Howrah Municipal Corporation & Ors.

Mr. Tanmoy Mukherjee,

Mr. Souvik Das,

Mr. Rudranil Das

...for the Petitioner.

Mr. Sandipan Banerjee,

Mr. Ankit Surekha,

...for the Howrah Municipal Corporation.

Mr. Animesh Paul

...for the Respondent No.5.

Affidavit of service is taken on record.

The writ petition has been filed alleging a construction of a tin shed with iron bars on the roof of the property situated at premises No.6/4/1, Tara Chand Polley Lane, Police Station-Shibpur, District-Howrah. It is contended that the respondent No.5, without obtaining permission from the Howrah Municipal Corporation, could not have erected the structure with the help of iron bars and beams as the said structure is permanent in nature covering the entire roof, even if cement was not used.

Mr. Paul, learned Advocate appearing on behalf of the respondent No.5, submits that the structure in question is a temporary structure only to protect the roof over the portion enjoyed by his client. He further submits that the objection

raised by the petitioner before Howrah Municipal Corporation has now become infructuous as the tin shed has already been constructed.

Having heard the rival contentions of the parties, this writ petition is disposed of with a direction upon the competent authority of the Howrah Municipal Corporation to treat the writ petition as a representation of the petitioner and dispose of the same in accordance with law. The competent authority of the Howrah Municipal Corporation shall make an inspection in presence of both the parties in order to ascertain the nature of construction. A copy of the report shall be handed over to the parties. A reasoned order shall be passed on the basis of such inspection upon hearing all the parties which shall be communicated to all concerned. Thereafter, steps shall be taken as per the statute on the basis of what transpires at the time of hearing and during inspection.

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

This Court has not gone into the merits of the case and it is exclusively within the domain of the corporation to decide the nature of construction and whether permission is required for the same.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)