

02.09.2021
Sl. No.18
srm

W.P.A. No. 12956 of 2021

Gopal Chandra Das

Vs.

The Howrah Municipal Corporation & Ors.

Mr. Tanmay Chowdhury,
Ms. Somsubhra Ganguly,
Mr. Abhishek Chakraborty

...for the Petitioner.

Mr. Shuvajit Bose

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

Mr. Sandipan Banerjee,
Mr. Ankit Surekha

...for the HMC.

Affidavit of service is taken on record.

The petitioner lodged a complaint before the Assistant Engineer, Borough No.1, Howrah Municipal Corporation alleging unauthorised construction by the respondent Nos.6 and 7 on Premises No.62/1, Sriram Dhyang Road, Salkia, P.S. Malipanchghara, District-Howrah.

It is the submitted by Mr. Banerjee, learned Advocate appearing on behalf of the Howrah Municipal Corporation, that the dispute between the petitioner and the respondent Nos.6 and 7 is private in nature and there are disagreements with regard to the allocation of the shares of the owner and the developers. According to Mr. Banerjee, the writ petition is not maintainable on such allegations.

Mr. Chowdhury, learned Advocate appearing on behalf of the petitioner, submits that the complaint is mainly with regard to the construction without a sanction plan.

Mr. Ghosh, learned Advocate appearing on behalf of the respondent Nos.6 and 7, submits that as-made plan has been submitted.

However, there is nothing on record to show that a sanction plan had been given by the Howrah Municipal Corporation.

Under such circumstances, the writ petition is disposed of with a direction upon the competent authority of the Howrah Municipal Corporation to consider and dispose of the complaint of the petitioner in accordance with law and reach the same to its logical conclusion.

The Corporation shall make a joint inspection in presence of the petitioner as also the respondent Nos.6 and 7. The report of the inspection shall be supplied to the respective parties. The parties shall be called for a hearing. The parties shall be allowed to submit documents in favour of their respective contentions. Thereafter a reasoned order shall be passed and communicated to all concerned. If unauthorised construction is found, the Howrah Municipal Corporation shall proceed in accordance with law. The petitioner shall also be permitted to raise objections on the acceptance of an as-

made plan filed, pursuant to the authorised construction. The extent to which the Commissioner or the competent authority can allow or regularise minor deviations are also left open for decision.

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

This Court has not gone into the merits of the complaints of the petitioner and the Corporation shall take steps in accordance with law.

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.)