

18.
08.09.2021
Saswata.

W.P.A. 13164 of 2021

Krishna Kumar Gupta
Vs.
Howrah Municipal Corporation & Ors.

Mr. Indranath Mukherjee
Mr. Arnab Kumar Neogi

..For the Petitioner.

Mr. Maloy Kr. Singh
Ms. Sangeeta Roy

..For the State.

Mr. Sandipan Banerjee
Mr. Ankit Sureka

... For HMC

Affidavit of service filed in Court today is taken on record.

The allegation is with regard to unauthorized construction on premises no. 157, C Road, Bamagachi, Salkai, Howrah – 711106 by respondent no.5.

It is the allegation of the petitioner that despite a stop-work notice having been issued by the Howrah Municipal Corporation, construction work is still continuing.

Mr. Banerjee, learned advocate for the Howrah Municipal Corporation submits that not only stop-work notice has been issued, but steps have also been taken in terms of Section 177 (1) of the Howrah Municipal Corporation Act.

As the Howrah Municipal Corporation has already taken steps in the matter, nothing remains to be decided in the writ petition, save and except that the competent authority of the Howrah Municipal Corporation shall reach the proceeding to its logical conclusion in accordance with law upon giving an opportunity of hearing to the petitioner as also the respondent no.5. The parties shall be allowed to appear before the Corporation at a hearing in support of their respective cases.

The Corporation shall pass a reasoned order and communicate the same to all the parties to act. If the Corporation is of the opinion that interim measures must be taken, all such measures shall be taken by the Corporation.

The entire exercise shall be completed within a period of four months from the date of communication of this order. Needless to mention that the Corporation must hold an inspection in presence of the parties in order to ascertain the extent of the unauthorized construction.

With the above observation, the writ petition is disposed of. This court has not gone into the merits of the case.

There shall, however, be no order as to costs.

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

(Shampa Sarkar, J.)

