

07.10.2021
Sl. No.12
srm

W.P.A. No. 13573 of 2021

Smt. Sandhya Bhattacharya

Vs.

Howrah Municipal Corporation & Ors.

Ms. Shebatee Datta

...for the Petitioner.

Mr. Sandipan Banerjee,

Mr. Ankit Surekha

...for the Howrah Municipal Corporation.

Mr. Srijan Nayak,

Ms. Rituparna Maitra

...for the State-respondents.

Mr. Ayan Mitra

...for the Respondent Nos.5 to 7.

Mr. Mahendra Prasad Gupta,

Ms. Antara Panja

...for the Respondent No.8.

Affidavit of service is taken on record.

The allegation is with regard to the violation of the Building Rules. According to the petitioner, the respondent Nos.5 to 7 have appointed the respondent No.8 as their developer to construct a building on certain premises under the Howrah Municipal Corporation being Premises Nos.3/1 and 3/11, Bibhuti Bhusan Banerjee Lane, P.O. Belurmath, P.S. Belur, Howrah-711202. It is submitted that a G+IV storeyed building has been constructed on the said premises in violation of the rules and in deviation of the sanction plan.

Mr. Mitra, and Mr. Gupta, learned Advocates appearing on behalf of the respondent Nos.5 to 7 and 8 respectively, submit that the construction of a G+4 storeyed building has been carried on by following the provisions of law and in strict adherence to the sanction plan.

Mr. Banerjee, learned Advocate appearing on behalf of the Howrah Municipal Corporation, submits, on instruction, that *prima facie* no illegal construction has been detected but Mr. Banerjee assures the Court that the complaint of the petitioner appearing at pages 39 and 41 being Annexures P/4 and P/5 to the writ petition shall be looked into and dealt with 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 the presence of all the parties upon giving them prior notice. A copy of the inspection report shall be handed over to the parties. Thereafter, the complaint lodged by the petitioner shall be disposed of in accordance with law. On the basis of what transpires at the inspection and also on the basis of the submissions and documents that will be produced by the parties at the time of hearing, a reasoned order shall be passed and communicated to all concerned. Thereafter action shall be taken in accordance with law.

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 claims and counter-claims of the parties and neither the question of title nor the question of encroachment will be decided by the authorities. This proceeding will be limited to the allegation that the construction has been made in violation of the building rules.

Upon conclusion of the proceedings, actions shall be taken strictly 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.)