

S/L 15
16.09.2021
Court. No. 19
GB

WPA 13496 of 2021

Deb Shankar Ray
Vs.
The Howrah Municipal Corporation & Ors.

(Through Video Conference)

*Mr. Sandip Kumar De,
Mr. Abhik Chitta Kundu.*

...for the Petitioner.

Mr. Sanjib Seth.

...for the Respondent No.5.

*Mr. Sandipan Banerjee,
Mr. Ankit Sureka.*

...for the Howrah Municipal Corporation.

The petitioner alleges that the respondent no.5 has constructed illegally and in violation of the Building Rules as also without a sanction plan on premises no.18/1/2, Olabibitala First Bye Lane, P.S. Chatterjeehat, Howrah – 711104.

It is contended by the petitioner that the Howrah Municipal Corporation in collusion with the respondent no.5, who is a police man has made such unauthorized construction. It is further submitted by the petitioner that the Corporation neglected to perform its duty under Section 177 of the Howrah Municipal Corporation Act.

Mr. Banerjee, learned advocate appearing on behalf of the Howrah Municipal Corporation denies the allegation and submits that pursuant to such allegation a hearing was

conducted on the basis of an order of this Court dated March 15, 2021, dated March 13, 2021.

Mr. Seth, learned advocate appearing on behalf of the respondent no.5 submits that another writ petition was filed on the self-same cause of action being WPA 6471 of 2021. The said writ petition was disposed of on March 15, 2021 with an observation of the Court that the Howrah Municipal Corporation had not found any illegal construction. However, the learned coordinate Bench directed that the Corporation should depute a responsible officer to visit the site in question upon prior notice to the parties, strictly in accordance with law but positively within a period of six months from date of communication of this order. It was further directed that if any unauthorized constructions were found in violation of the sanction plan or in absence of a plan, then the corporation should take necessary steps in accordance with law.

According to Mr. Seth, the period within which the coordinate Bench of this Court had directed the exercise to be completed has not yet expired and the writ petition is misconceived.

Having heard the rival contentions of the parties, this Court is of the view that as it is the specific case of the petitioner that a hearing was held, the Howrah Municipal Corporation is directed to pass a reasoned order as directed by this Court and communicate the same to the respective parties. The rest of the order of the coordinate Bench shall

also be complied with. The order shall be handed over to the parties within a period of six weeks from date.

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 learned advocate's communication.

(Shampa Sarkar, J.)