

7th October, 2021
(D/L 13)
(SKB)

W.P.A. 14319 of 2021
(Via Video Conference)

Biswanath Adhikary and others
Versus
Howrah Municipal Corporation and others

Mr. Pinaki Ranjan Mitra
... for the petitioners.

Mr. Palash Mukherjee,
Miss Sucheta Mitra
... for respondent nos.5 to 8.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka
... for the H.M.C.

Affidavit of service filed in Court today be kept with
the records.

The writ petition has been filed challenging
unauthorised construction upon respondent nos.5 to 8.
The petitioners are joint owners of a one storeyed building
comprising Holding No.10, Panchkori Mohanta lane.

It has been alleged that adjacent to the said land of
the petitioners some unauthorised construction is being
carried on at Holding Ho.10, Panchkori Mohanta lane.
Although, there is a title suit pending before the learned
court below with regard to a common passage and orders
have been passed with regard to the same, this court is
not venturing into making and comment on the common
passage or with regard to the subject matters in the suit.

The allegation is of unauthorised construction. It is the duty of the Howrah Municipal Corporation to ensure that no unauthorised construction takes place in the area under its supervision, management and control.

Mr. Banerjee, learned advocate for the Howrah Municipal Corporation submits that the complaints lodged by the petitioners appearing at pages 18 to 21 of the writ petition shall be looked into by the competent authority and necessary steps shall be taken in accordance with law.

Upon such assurance given by the Municipal Corporation, no further orders need be passed in this writ petition. The competent authority of the Howrah Municipal Corporation shall cause an inspection of the premises in the presence of the parties. The inspection report shall be handed over to the respective parties. A hearing shall be held in accordance with law and the same shall be reached to its logical conclusion. A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, steps shall be taken upon strict adherence to the provisions of the Municipal Act.

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.

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.)