

18.01.2021
SL No.7
Court No.24
(P.M.)

WPA 17795 of 2019

**Sk. Saddat Hossain.
Vs.
The Howrah Municipal Corporation & Ors.**

Mr. Sk. Faridullah
... for the petitioner

Mr. N.C. Bihani,
Ms. Papiya Banerjee Bihani

... for Howrah
Municipal Corporation

Mr. Sanjib Seth
... for the respondent No. 6

Mr. Tapas Kumar Adhikari
... for the State

The petitioner alleges that the private respondent made illegal and unauthorised construction in the premises No. 104, Molla Para Lane, Ward No. 40, Borough – VI, P.S. Shibpur, Howrah – 711102.

The petitioner alleges that the objection made by him against the aforesaid illegal construction by letter dated 6th August, 2019 has not been considered by the Howrah Municipal Corporation till date.

The learned advocate representing the private respondent submits that he has not made any illegal construction in the premises in question. It has been submitted that the construction in the premises was made by his father more than last forty years ago.

It has been submitted that the private respondent No. 6 is an occupier of the premises in question and the owner

has not been made a party respondent in the instant writ application.

The learned advocate representing the Howrah Municipal Corporation submits that as the application of the petitioner was filed long back in 2019 the Municipality may be directed to take necessary steps in this matter.

As it appears that the objection of the petitioner dated 6th August, 2019 is pending consideration at the end of the Howrah Municipal Corporation, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent No. 2 being the Municipal Commissioner to take necessary steps for consideration of the objection made by the petitioner on 6th August, 2019, strictly in accordance with law, after giving an opportunity of hearing to the petitioner and all other necessary parties within a period of four months from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the parties including the petitioner immediately thereafter.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation made by the petitioner.

WPA 17795 of 2019 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)