

09.12.2021
Court No.25
Item No.34
SB

WPA 23116 of 2018

Dinesh Prasad Verma
Vs.
The Howrah Municipal Corporation & Ors.

Mr. Supriyo Chattopadhyay
Ms. Shraddha Satpati For the Petitioner

Mr. Sandipan Banerjee
Mr. Ankit Surekha For the H.M.C.

The claim of the petitioner that the private respondents have started illegal unauthorised construction of G + 5 storied at the Premises No. 146, G.T. Road (S), P.S.-Shibpur, Howrah, under H.M.C., Ward No. 31 without obtaining sanction building plan. The petitioner submitted a representation to the Commissioner of Howrah Municipal Corporation for taking appropriate action against the private respondents for illegal construction over the property in question but the authorities have not taken any action. The petitioner had also applied under Right to Information Act to ascertain whether the petitioner has obtained sanctioned building plan from the Howrah Municipal Corporation for construction of the building in question. The municipal authority had given reply intimating that no plan sanctioned from the building department. In spite of the reply given by the municipal corporation no action has been taken with regard to the alleged illegal construction made by the private respondents in the property in question.

Counsel for the Howrah Municipal Corporation has submitted a report which is taken on record. The counsel for the municipal corporation has submitted that no final order has been passed by the municipal corporation on the representation submitted by the petitioner against the private respondents for the alleged illegal construction.

This Court find that it would be appropriate to dispose of the writ application by directing the respondent no. 5 being the Assistant Engineer (Building) Howrah Municipal Corporation to dispose of the representation submitted by the petitioner on 01.10.2018 by giving an opportunity of hearing to all the parties.

It is made clear that this Court has not gone into the merits of the case and the respondent no. 5 is free to take appropriate decisions by deciding the representation submitted by the petitioner in accordance with law within a period of three months from the date of communication of this order.

With these above observations, the writ petition no. 23116 of 2018 is disposed of.

(Krishna Rao, J.)