

12.03.2021
SL No. 16
Court No.24
(P.M.)

WPA 7430 of 2020
With
IA No. CAN 1 of 2020
Ambooj Sharma
Vs.
Howrah Municipal Corporation & Ors.

Mr. Sabyasachi Chatterjee,
Mr. S. Dey
... for the petitioner
Mr. Sandipan Banerjee,
Mr. Ankit Sureka
.... For Howrah Municipal Corporation

Mr. Soujanya Bandyopadhyay
... for the private respondents

As per direction passed by this Court the Howrah Municipal Corporation has filed a report wherefrom it appears that a plan was sanctioned for construction of a B+G+III storied building whereas the person responsible has constructed a B+G+VII storied building in the premises in question. Apart from the four additional floors it appears that there are several other deviations in the construction that has been made.

As regards the portions where there are deviations it will be open for the appropriate authority of the Howrah Municipal Corporation to take steps, in accordance with law.

As regards the construction made in the 4th, 5th, 6th and 7th floors without a sanction plan at all, step shall be taken by the Howrah Municipal Corporation to deal with such unauthorised construction, strictly in accordance with

law, at the earliest, but positively within a period of six months from the date of communication of a copy of this order.

The private respondents have raised an issue of locus standi on the part of the petitioner in moving the instant writ application.

In support of the aforesaid submission the respondents rely upon an order passed by the Hon'ble Division Bench of this Court in the matter of Ashok Kumar Giri Versus Rajesh Surana and others reported in (2018) 5 CHN 374.

On perusal of the said order it appears that the Hon'ble Division Bench affirmed the order passed by the learned Single Judge and directed the Corporation to ensure conclusion of the proceedings initiated under Section 177(1) of the Howrah Municipal Corporation Act, 1980. The Division Bench did not decide the issue with regard to the locus standi of a responsible citizen of the country to point out the inaction on the part of the statutory authority to act in accordance with law.

WPA 7430 of 2020 and connected application CAN 1 of 2020 stands disposed of.

The report filed by the Sub Assistant Engineer, Building Department, Howrah Municipal Corporation is retained with the records.

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

(Amrita Sinha, J.)