

01.07.2021
(S/L-06)
Ct.-24
(S.K. & S.M)

(Via Video Conference)

W.P.A. 8570 of 2020

Amalesh Karar & Ors.

-Vs-

Howrah Municipal Corporation & Ors.

Ms. Shebatee Dutta.

..... For the Petitioners.

Mr. Sandipan Banerjee,

Mr. Ankit Sureka,

.... For the Howrah Municipal Corporation.

Mr. Pinaki Ranjan Mitra,

Ms. M. Dutta Biswas

.... For the Private Respondents.

The petitioners allege illegal and unauthorized construction by the private respondents on the Plot Nos. 4 & 6, Khagendra Nath Ganguly Lane, Post office – Salkia, Police Station – Golabari, District – Howrah, PIN – 711106.

The categoric allegation of the petitioners is that the aforesaid two holdings are distinctly separate but the private respondents have amalgamated both the plots and are making construction thereon without obtaining sanction from the Howrah Municipal Corporation.

The petitioners complained of the aforesaid illegal construction by raising an objection before the Howrah Municipal Corporation on 24th

August, 2020 followed by a notice demanding justice through their learned advocate on 10th September, 2020.

The petitioners complain that none of the representations have been considered by the Howrah Municipal Corporation till date.

The learned advocate representing the private respondents do not have any instruction in the matter.

The learned advocate representing the Howrah Municipal Corporation seeks time to take instruction in the matter.

As it appears that the representation filed by the petitioners complaining unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent No. 3 being the Executive Engineer (Building), Howrah Municipal Corporation to consider and dispose of the representation made by the petitioners, strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

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

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

The petitioners are directed to forward copy of the representations dated 24th August, 2020 and 10th September, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 8570 of 2020 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.)