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19.03.2021.
d.p.

**W.P.A. 11384 of 2020
(Via Video Conference)**

**Kajal Kumar Kundu
-versus
The State of West Bengal & Ors.**

**Mr. Asis Bhattacharyya,
Mr. Biswajit Mitra.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Ankit Sureka.
...For the HMC.**

**Mr. Jagannath Ganguly.
...For the Private Respondents.**

**Ms. Jayita Sinha Roy.
...For the State.**

The petitioner alleges illegal and unauthorized construction by the respondent Nos. 6 to 9 in deviation of the sanction plan and without leaving the mandatory side open spaces.

The learned advocate appearing for the private respondents submits that they are making construction in accordance with the plan sanctioned by the Howrah Municipal Corporation. It has also been candidly submitted that a proceeding for unauthorized construction has been initiated against them by the Howrah Municipal Corporation and the private respondents have replied to the show cause notice, issued to them.

It has been submitted that the issue is presently under consideration before the Executive Engineer (Building), Howrah Municipal Corporation.

The learned advocate appearing for the Howrah Municipal Corporation submits that an inspection was conducted at the site and unauthorized construction being noticed thereon, steps have been taken against the private respondents.

As it appears that the Howrah Municipal Corporation has already initiated proceedings against the private respondents to deal with the unauthorized construction made by them, accordingly, the writ petition is disposed of by directing the Howrah Municipal Corporation through its authorized officer to conclude the proceeding which has been initiated against the private respondents for making unauthorized construction, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, at the earliest, but positively within a period of twelve weeks from the date communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

As the Howrah Municipal Corporation has already issued a stop work notice to the person responsible for making unauthorized construction, accordingly, the private respondents are restrained from making any further construction in the said premises till a decision is taken by the Howrah Municipal Corporation in this regard. The Officer-in-charge of the Shibpur Police Station shall ensure that

no further construction is being carried on in the said premises till a decision is taken by the Corporation.

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.

WPA 11384 of 2020 stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)