

S/L 9
07.02.2022
Court. No. 19
GB

W.P.A. 809 of 2022

Santanu Chatterjee
VS
The Howrah Municipal Corporation & Ors.

*Mr. Kushal Chatterjee,
Mr. Prasanyan Mukherjee.*
...for the Petitioner.

*Mr. Sandipan Banerjee,
Mr. Ankit Sureka.*
...for the H.M.C.

Mr. Debasis Nandi.
...for the Respondent Nos.5 & 6.

Affidavit-of-service filed in Court today be kept with the record.

The only prayer in this writ petition is for a direction upon the Howrah Municipal Corporation to dispose of the proceedings already initiated against the petitioner pursuant to the complaint of the respondent nos.5 and 6 analogously with the complaint filed by the petitioner dated January 6, 2022.

It is submitted that dates have been fixed for the hearing of the complaint of the respondent nos.5 and 6 but the said hearing should not proceed independently. The complaint made by the petitioner dated January 6, 2022 must also be looked into by the authorities.

Mr. Banerjee, learned advocate appearing on behalf of the Howrah Municipal Corporation submits that the complaint of the respondent nos.5 and 6 was filed earlier and as such the Corporation was proceeding with the same. It is

further submitted by Mr. Banerjee that inspection has not yet been held.

Mr. Banerjee further submits that not even a month has passed since the complaint has been filed by the petitioner and as such, the allegations of inaction against the Corporation are baseless.

Mr. Nandi, learned advocate appearing on behalf of the respondent nos.5 and 6 submits that the petitioner has made unauthorized construction thereby blocking the windows of the said respondents. Accordingly the said respondents filed their complaints before the corporation. He further submits that no construction has been made by the said respondents in the recent past and the existing construction was made around 1933. Mr. Nandi submits that an inspection was fixed today, but there was opposition from the petitioner.

Although the parties have made allegations and counter-allegations of unauthorized construction, this Court is of the opinion that in order to avoid multiplicity of proceedings and to ensure expeditious disposal of the complaints filed by the respective parties, the proceedings initiated at the behest of the respondent nos.5 and 6 must be disposed of analogously with the complaint of the petitioner.

The Howrah Municipal Corporation is directed to enquire and dispose of the issues raised by both the parties, by adhering to the procedure stated hereunder:

- a) Inspections of both the constructions shall be conducted in the presence of the parties, with 48

hours advance notice to the parties. If the parties are not available to accept notice, the same shall be affixed at a conspicuous place in the respective premises.

- b) Reports shall be prepared and handed over to the parties.
- c) Hearing shall be given to the petitioner and the respondents Nos.5 and 6. The parties must also be allowed to furnish their written objection/version to the said reports and adduce oral and documentary evidence in support of their contentions, before the competent authority.
- d) Reasoned orders shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in terms of the statute with regard to both the constructions.

The court has not gone into the merits of the claims and counter-claims of the parties.

The entire exercise shall be completed within a period of six months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)