

22.02.2022
Sl. No.10
srm

W.P.A. No. 3050 of 2022

Subrata Das & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Falguni Bandhopadhyay,
Ms. Sreetama Neogi

...for the Petitioners.

Ms. Koyeli Bhattacharyya

...for the Respondent No.6.

Mr. Lalit Mohan Mahata,
Mr. Rudranil De

...for the State-respondents.

Affidavit of service is taken on record.

The postal articles sent to the Howrah Municipal Corporation has returned. It appears that the Administrator and the Board of the Howrah Municipal Corporation have refused service. Such postal articles are taken on record.

The petitioners have alleged that the respondent No.6 has made some construction on Premises No.57, Mahesh Paul Lane, Ward No.44, Borough-VI, under the Howrah Municipal Corporation.

It is the contention of the petitioners that such construction has been made in violation of the Building Rules. The petitioners are the owners of Premises No.57/1 and 57/1/1, Mahesh Paul Lane.

Ms. Bhattacharyya, learned Advocate appearing on behalf of the respondent No.6, submits the sanction plan granted by the Howrah Municipal Corporation for construction of a residential premises on Holding No.57/5, Mahesh Paul Lane, Ward No.44, Borough-VI, under the Howrah Municipal Corporation.

It appears that, on the basis of the complaint received, an inspection was conducted by the Corporation and the respondent No.6 was asked to produce documents. The police authorities have filed a report pursuant to the enquiry made on the basis of an order under Section 144(2) of the Cr.P.C.

The petitioners allege construction in violation of the Building Rules. Whereas, the respondent No.6 has produced documents to show that permission was granted by the authority.

Under such circumstances, the writ petition is disposed of with a direction upon the competent authority of the Howrah Municipal Corporation to dispose of the complaint of the petitioners dated February 14, 2022 by following the procedure and in the manner stated hereinbelow:

- (a) The competent authority of the Howrah Municipal Corporation shall cause an inspection of the premises in question in the presence of the interested parties including the petitioners and the respondent No.6, in order to ascertain whether there has been any unauthorised construction and also to ascertain the extent and nature of the unauthorised constriction, if any, within three weeks from the date.
- (b) A copy of the inspection report shall be handed over to the respective parties.
- (c) The petitioners as also the respondent No.6 shall be given a hearing.
- (d) The interested persons shall be allowed to file their written versions and adduce oral and documentary evidence in support of their respective claims at the time of hearing.
- (e) A reasoned order shall be passed and communicated to all concerned.
- (f) Needless to mention, that the entire proceedings shall be reached to its logical conclusion.
- (g) If construction is continuing, then interim measures shall be taken.

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

This Court has not gone into the merits of the claims and counterclaims of the parties and all points will be decided by the Howrah Municipal Corporation.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)