

Sl. No.97
(Monthly List)
05.07.2022
Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 4417 of 2021

Mehboob Alam

v.

Howrah Municipal Corporation & Ors.

Mr. Sk. Md. Anwarullah

... for the petitioner

Mr. Sandipan Banerjee

Mr. Ankit Sureka

Mr. Sobhan Majumder

... for the Howrah Municipal Corporation

None appears on behalf of the private respondent despite service.

Affidavit of service filed in Court is kept on record.

The petitioner alleges illegal and unauthorised construction by the private respondent in Holding No.241, Belilious Road, Post Office and District-Howrah-711101, Ward No.19, under the jurisdiction of Howrah Municipal Corporation.

The petitioner filed a representation before the Howrah Municipal Corporation on 29th January, 2021 and alleges that the same has not been taken into consideration till date.

Accordingly, the writ petition is disposed of by directing the Howrah Municipal Corporation to take into consideration the representation dated 29th January

2021 filed by the petitioner 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.

The aforesaid respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The Howrah Municipal Corporation shall conduct a site inspection and give reasonable opportunity of hearing to all the parties prior to taking a final decision in the matter.

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.

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.

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

The petitioner is directed to forward a copy of the representation dated 29th January, 2021 to the Howrah Municipal Corporation at the time of communicating the order of this Court.

The writ petition 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.)