

Item No. 30

30.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5289 of 2022
Sumant Tiwari

v.

The Howrah Municipal Corporation & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K. Raihan Ahmed
Mr. Rudranil Das
... for the petitioner.

Mr. Saptansu Basu, Sr. Adv.
Ms. Mrinalini Majumder
... for the respondent nos.5 & 6.

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
Mr. Ankit Sureka
... for HMC.

The petitioner alleges illegal and unauthorized construction at the instance of the respondent nos. 5 & 6 in the Premises No. 2+4, New Seal Lane, Ward No. 29, Borough-IV, P.S.-Howrah, Pin-711101 under the jurisdiction of the Howrah Municipal Corporation.

The petitioner alleges that the representation filed before the Howrah Municipal Corporation on March 8, 2022 and the subsequent representation filed on April 27, 2022 have not been considered by the Howrah Municipal Corporation till date.

Learned advocate representing the private respondents denies the submissions made on behalf of the petitioner.

As it appears that the representation of the petitioner objecting to the illegal and 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 Assistant Engineer-in-Charge, Building Department, HMC to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of three months from the date of 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.

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 April 27, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Supplementary affidavit filed in Court today is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)