

S/L. 32.
July 18, 2022.
MNS.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA No. 4607 of 2020
with
CAN 3 of 2022

Aas Mohammad
Vs.
The Howrah Municipal Corporation and
others

Mr. Kushal Chatterjee,
Mr. Debabrata Roy

... for the Petitioner.

Mr. Sandipan Banerjee,
Mr. Ankit Sureja,
Mr. Sobhan Majumder

...for the H.M.C.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh

...for the Bally Municipality.

Mr. Biswaroop Bhattacharya,
Mr. Sanjib Seth

...for the Respondent
nos. 6 to 16.

The matter relates to the premises no. 28,
Dr. H. K. Chatterjee Street, Ward No. 59, Post
Office, - Ghusuri, Police Station- Belur, presently
under the jurisdiction of Bally Municipality.

The petitioner alleges unauthorized
construction made in deviation of the sanctioned

plan in the said premises at the instance of the private respondents.

The petitioner relies upon a report of the Howrah Municipal Corporation dated 19th December, 2019 mentioning that the property in question falls within the jurisdiction of the Howrah Municipal Corporation.

Admittedly, as on date, the property in question falls within the jurisdiction of the Bally Municipality. The Bally Municipality has not inspected the property and there is no report from the Bally Municipality as to whether there is any deviation in making construction in accordance with the plan sanctioned by the Howrah Municipal Corporation.

In view of the above, the Administrator, Bally Municipality is directed to conduct a fresh inspection of the property in question to ascertain the nature and extent of deviation, if any, upon giving prior notice to all the necessary parties within a period of four months from the date of communication of this order. The Administrator, Bally Municipality shall pass a reasoned order and communicate the same to all the parties immediately thereafter. In the event unauthorized construction is detected, then necessary steps

shall be taken to deal with the same in accordance with law.

Learned advocate for the petitioner is directed to forward all the necessary documents to the Administrator of the Bally Municipality in support of his prayer.

The Howrah Municipal Corporation is also directed to forward all documents in connection with the aforesaid property to the office of the Bally Municipality positively within a period of three weeks from date.

The writ petition and the connected application stand disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Amrita Sinha, J.)