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22.07.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 4757 of 2020

**Smt. Swarnalata Ghosh
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Purnasish Gupta,
Mr. Jayanta Kumar Mukhopadhyay.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder.
...For HMC.**

**Mr. Srijib Chakraborty,
Mr. Meghnath Dutta,
Mr. Pranab Sharma,
Mr. S. Rai.
...For the Respondent No.3.**

**Mr. Ayan Banerjee,
...For the Respondent No.4.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner alleges illegal and unauthorized construction at the instance of the private respondent No.3, Rohit Kumar Gupta.

The petitioner made representation dated 26th November, 2019 before the Howrah Municipal Corporation within whose jurisdiction the property in question fell at that point of time.

Presently, the property in question falls within the jurisdiction of Bally Municipality.

The petitioner submits that on receipt of the complainant from the petitioner, a hearing was conducted by the Howrah Municipal Corporation but final order has not been passed.

Fact remains that at present Howrah Municipal Corporation does not have any jurisdiction over the said property.

In view of the same, Bally Municipality is to consider the representation filed by the petitioner.

Accordingly, leave is granted to the petitioner to approach the Bally Municipality with the allegation of unauthorized construction.

In the event such a representation is made by the petitioner along with supporting documents, the same shall be considered by the Bally Municipality strictly in accordance with law, at the earliest after giving a reasonable opportunity of hearing to the petitioner as well as all other necessary parties.

Bally Municipality shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

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 Municipality shall not enter into the private disputes of the parties which is pending consideration before the Learned Civil Court in a Title Suit filed by the petitioner.

The aforesaid respondent shall restrict the consideration only with regard to the issue of unauthorized construction.

Bally Municipality shall conduct fresh inspection on site upon giving prior notice to all the parties to ascertain as to whether there has been any unauthorized construction or not.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)