

Item No. 59

11.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 6379 of 2022
Raja Hazra & Anr.

v.

Howrah Municipal Corporation & Ors.

Mr. Gautam Das
Ms. Madhumita Patra
... for the petitioners.

Mr. Jahar Dutta
Mr. Bipin Ghosh
... for the State.

Mr. S. Dutta
Mr. P.P. Mukherjee
... for the respondent no. 7.
Voka No. 1 of 2022.

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

The petitioners complain of illegal and unauthorized construction by the respondent nos. 6 & 7. The petitioners complain that objection filed against such unauthorized construction before the Howrah Municipal Corporation has not been taken up for consideration till date.

Learned advocate representing the respondent no. 7 denies the allegation of the petitioners. It has been submitted that construction has been made in accordance with the plan sanctioned.

Learned advocate representing the Howrah Municipal Corporation submits that in response to the objection filed by the petitioners, a hearing was

conducted. The parties attended the hearing. The final order is yet to be passed.

It appears from the submissions made on behalf of the parties that the objection of the petitioners has already been taken up for consideration by the Howrah Municipal Corporation and hearing has been conducted. It is incumbent for the competent authority of the Howrah Municipal Corporation to conclude the hearing and pass final order.

The Corporation is accordingly directed to pass final order in the matter at the earliest, but positively within a period of four weeks from the date of communication of a copy of this order and communicate the final order to the parties 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 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 petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the objection of the petitioners.

The writ petition stands disposed of.

Report filed by the Assistant Engineer-in-Charge, Building Department, HMC dated November 5, 2022 be retained with the records.

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.)