

Sl. No.103
13.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7108 of 2022

Amit Kujmar Hela
Versus
The Howrah Municipal Corporation & Ors.

Mr. Sayan Sinha
Mr. Steven souradip Biswas
... for the petitioner

Mr. Sandipan Banerjee
Mr. Ankit Chatterjee
Mr. Subham Majumder
... for Howrah Municipal Corporation

Mr. Sanjib Seth
... for the respondent nos.8 to 10

Mr. Amal Kumar Sen, AGP
Mr. Lal Mohan Basu
... for the State

The petitioner alleges illegal and unauthorised construction by the respondent nos.8, 9 and 10 over the premises No.77, Bhairab Dutta Lane, Police Station Golabari, Howrah under the jurisdiction of the Howrah Municipal Corporation.

There is already a G+4 storied building sanctioned in respect of the said premises by the Howrah Municipal Corporation.

The petitioner submits that additional floors are being constructed by the aforesaid respondents without

obtaining any sanction from the Howrah Municipal Corporation.

The petitioner filed representation before the respondent authorities in April, 2022 and alleges that the same has not been taken up for consideration till date.

Learned advocate representing the private respondent denies the allegation made on behalf of the petitioner.

It has been submitted that construction has been made in accordance with the plan sanctioned by the Howrah Municipal Corporation.

The Officer-in-Charge, Golabari Police Station has filed a report before this Court signed on 11th May, 2022 wherein it has been mentioned that on inspection it has been revealed that the respondents have started construction of additional floors upon G+4 storied building. At the intervention of the Police, construction work has been stopped.

Learned advocate appearing on behalf of Howrah Municipal Corporation submits that men and agents of the Howrah Municipal Corporation will inspect the property and will take necessary steps in the event it is found that any construction has been made without sanction from the Howrah Municipal Corporation.

Accordingly, the instant writ petition is disposed of directing the appropriate authority of the Howrah

Municipal Corporation to take steps to consider and dispose of the representation of the petitioner dated 5th April, 2022 at the earliest, after giving opportunity of hearing to the petitioner and all other necessary parties.

The aforesaid respondent shall pass a reasoned order upon consideration of the representation positively within a period of twelve weeks from the date of communication of this order.

The said respondent shall communicate the reasoned order to all the parties immediately thereafter.

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

Learned advocate for the petitioner is directed to forward a copy of the representation dated 5th April, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Report filed by the Officer-in-Charge, Golabari Police Station dated 11th May, 2022 be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)