

Item No. 45

30.08.2022  
Ct-24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 9270 of 2022  
Mohammad Imran

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 no. 5.

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

The petitioner prays for a direction upon the Howrah Municipal Corporation to consider the representation filed on May 10, 2022 with request to cancel the sanctioned plan under Section 175B of the Howrah Municipal Corporation Act, 1980.

It is the specific case of the petitioner that the sanctioned plan was obtained upon fraud and misrepresentation.

Learned advocate representing the respondent no. 5 submits that the plan was sanctioned by the Corporation strictly in accordance with law and there was no mis-representation at the time of obtaining sanction.

As it appears that the representation of the petitioner praying for cancellation of the sanctioned plan is pending consideration at the end of the Howrah Municipal Corporation, accordingly, the instant writ petition is disposed of by directing the respondent no. 3 to take a decision with regard to the representation filed by the petitioner strictly in accordance with law after giving reasonable opportunity of hearing to all the parties within a period of twelve weeks from the date of communication of a copy of this order and to pass a reasoned order and communicate the same to 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 at the time of consideration of the representation of the petitioner.

The learned advocate for the petitioner is directed to forward a copy of the representation dated May 10, 2022 to the aforesaid respondent at the time of communicating the order of this Court.

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.

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**(Amrita Sinha, J.)**