

Sl. No.34
27.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 9649 of 2022

Sk. Badsha
v.
Howrah Municipal Corporation & Ors.

Mr. Mahendra Prasad Gupta
Mr. Ayan Mitra
Mr. Chandan Mondal
Ms. Antara Panja
... for the petitioner
Mr. Sandipan Banerjee
Mr. Sobhan Majumder
Mr. Ankit Sureka
... for the Howrah Municipal Corporation

The petitioner complains of illegal and unauthorised construction at the instance of the respondent nos.6 to 12 at holding Nos.7, 7/1, 7/2 and 7/3, Danesh Sk. Lane, Howrah.

The petitioner complains that the objection filed against such unauthorised construction has not been taken up for consideration by the Howrah Municipal Corporation.

None appears on behalf of the private respondents.

Affidavit of service filed in Court is taken on records.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the

respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no.2, the Commissioner, Howrah Municipal Corporation or its delegate to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of 12 weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner 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 unauthorised construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation 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 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 petitioner is directed to forward a copy of the representation dated 5th May, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)