

Sl. No.14
05.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 10099 of 2022

Md. Imran Ansari

vs.

The Howrah Municipal Corporation & Ors.

Mr. Tanmoy Mukherjee

Mr. Souvik Das

Mr. Rudranil Das

... for the petitioner

Mr. Sandipan Banerjee

Mr. Santanu Chatterjee

Mr. Sobhan Majumder

... for Howrah Municipal Corporation

Mr. Poulami Bhowmick

... for the respondent no.7

The petitioner alleges illegal and unauthorised construction over a thika property at the instance of the respondent no.7 in the municipal holding No.65/4, & 65/5, Asu Bose Lane, Ward No.20, District-Howrah, PIN-711 101.

The petitioner filed representation before the Howrah Municipal Corporation in March, 2022 and alleges that the same has not been taken up for consideration till date.

Learned advocate for the respondent no.7 is not ready with necessary instruction.

The writ petition is accordingly disposed of by directing the respondent no.3, Assistant Engineer-in-

Charge of Building Department, Howrah Municipal Corporation, to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to the petitioner, the respondent no.5 and the respondent no.7 and any other necessary party/parties including the petitioners 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 21st March, 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.)