

Item No. 65

11.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13539 of 2022
Dilip Patra

v.

The State of West Bengal & Ors.

Ms. Malyashri Maity
Ms. Aparna Samanta
... for the petitioner.

Mr. S. Chakraborty
Mr. Sumit Biswas
Mr. Rajarshree Bhowmick
... for the private respondent Nos. 9 & 10.

Mr. Gausul Alam
Mr. Md. Yusuf Ali
... for the State.

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

The petitioner complains of illegal and unauthorized construction by the respondent nos. 9 & 10 at the Premises No. 7/1, Dayaram Naskar Lane, Ward No. 2, Borough-I under the jurisdiction of Howrah Municipal Corporation.

The petitioner complains that repeated objections filed against such unauthorized construction has not been taken up for consideration till date.

Learned advocate representing the respondent nos. 9 & 10 denies the allegation of the petitioner.

Learned advocate representing the Howrah Municipal Corporation files the note sheet in connection

with the present case. It appears therefrom that on receipt of the objection from the petitioner a stop work notice was issued on May 17, 2022 under Section 177(1) of the Howrah Municipal Corporation Act, 1980. A show cause notice was also issued and date of hearing was fixed. Note sheet reveals that the parties attended the hearing. Final order is however yet to be passed.

It appears that the Howrah Municipal Corporation has already taken steps in response to the objection lodged by the petitioner and has conducted hearing to ascertain the allegation of the petitioner.

Accordingly, the competent authority of the Howrah Municipal Corporation is directed to conclude the proceeding initiated to deal with such unauthorized construction strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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 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 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.)