

01.03.2022

Sl. No. 22

Court No.19

B.M.

WPA 14519 of 2021

Susanta Naskar

Vs.

Howrah Municipal Corporation & Ors.

(Via Video Conference)

Mr. Mahendra Prasad Gupta

Mr. Ayan Mitra

Mr. Antara Panja ... for the petitioner

Mr. Sandipan Banerjee

Mr. Ankit sureka ... Howrah Municipal Corporation

Mr. Bhagbat Chaudhuri

Mr. Rittick Chowdhury ... for the respondent no.7

Mr. Susanto Pal

Mr. Neelam Singh ... for the State

The petitioner has alleged that the Howrah Municipal Corporation has failed and neglected to take steps pursuant to the complaint of the petitioner that the respondent no.7 has made some unauthorised construction on the premises situated at Dag No.676, pertaining to Khatian No.10003/2, Holding No.45, Panchanantala 4th Bye Lane, Howrah.

The record reveals that some proceedings had been initiated by the Corporation and a hearing was also given to the parties.

It is submitted by the respondent no.7 that the allegations are all frivolous and some repairing work had

been done as the building was an old one. The allegation of unauthorised construction has been denied.

As the Corporation had already taken cognizance of the complaint of the petitioner, this court is of the opinion this writ petition must be disposed of with a direction upon the Howrah Municipal Corporation to act and proceed in accordance with law.

The entire matter shall be decided by the Corporation and a reasoned order shall be passed.

While disposing of the issues involved, the competent authority of the Howrah Municipal Corporation shall adhere to the following procedure:-

a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondents within three weeks. Advance notice of the inspection shall be served upon the petitioner and the respondents and all other interested parties. If the parties are not available to accept notice, the authorities shall affix the notice of hearing and inspection at conspicuous places in their respective premises.

b) In case, it is found on preliminary inspection that there may be reasons to believe that the construction was without permission and was continuing, the authorities may take such interim measures by stopping such construction.

c) The report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.

d) Such report shall be handed over to the parties.

e) A hearing shall be given to the petitioner and the respondents. The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contentions before the competent authority. All points raised by either party, will be decided.

f) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in terms of the statute. The court has not gone into the merits of the claims and the issues involved shall be decided independently.

The entire exercise shall be completed within a period of six months from the date of communication of this order

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)