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05.01.2022
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**WPA No.14880 of 2021
(VIA VIDEO CONFERENCE)**

Sk. Noor Islam

Vs.

The Howrah Municipal Corporation & Ors.

Mr. Animesh Paul.

... for the petitioner.

Mr. Anjan Bhattacharya.

... for the respondent.

Mr. Sandipan Banerjee

Mr. Santanu Chatterjee.

... for the HMC.

Mr. Sanjib Seth.

... for the respondent no. 5.

Mr. Srijan Nayak

Ms. Rituparna Maitra.

... for the State.

The petitioner has alleged that the respondent nos. 6 to 8 have been carrying on illegal and unauthorised construction at premises no. 9/1, Srinath Porel Lane, Police Station: Howrah within Howrah Municipal Corporation (HMC) area. According to the petitioner, additional floors have been constructed over and above the existing floors without any sanction plan. This Court had directed the HMC to take instructions.

Mr. Banerjee, learned advocate appearing for the HMC submits that, *prima facie*, some constructions have been detected which appears to be unauthorised. It is submitted by Mr. Banerjee that there are deviations with regard to the floors which have been constructed pursuant to the sanction granted and additional floors have been constructed without any sanction plan.

Mr. Seth, learned advocate appearing for the respondent nos. 6 to 8 submits that all the constructions have been done in accordance with law.

As HMC has already *prima facie* found that there are deviations in the constructions and constructions have been made violation of the rules, the writ petition is disposed of with the following directions:

a) HMC shall hold an inspection of the premises in question in presence of the petitioner as also the respondent nos. 6 to 8;

b) An inspection report and sketch map shall be prepared showing the extent of the deviations and/or unauthorised construction, if any;

c) The report shall be handed over to the parties;

d) The parties shall be allowed to respond to the

said report and submit their written version and written objection in respect thereof;

e) A hearing shall be given to the parties and a reasoned order shall be passed and communicated to all;

f) On the basis of what transpires at the hearing and in the inspection, HMC shall reach the proceeding, to its logical conclusion, in accordance with law.

This Court has not gone into the merits of the case and counter case of the parties and KMC shall decide the entire issue independently. The entire exercise shall be completed within a period of eight months from the date of communication of this order. KMC shall be empowered to impose such interim restrictions and shall be at liberty to take interim measures, if it is found that the construction is still being carried on, illegally.

The writ petition is, thus, disposed of.

There will be, however, no order as to costs.

Parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)

