

S/L 11
08.02.2022
Court. No. 19
GB

W.P.A. 17081 of 2021

Dipak Kumar Jaiswal
VS
The Howrah Municipal Corporation & Ors.

*Mr. Nirmalendu Bera,
Mr. Gora Chand Samanta,
Mr. Amit Mishra.*

...for the Petitioner.

*Mr. Sandipan Banerjee,
Mr. Ankit Sureka.*

...for the H.M.C.

Affidavit-of-service filed in Court today be kept with the record.

Despite service none appears on behalf of the respondent nos.6 to 8.

The petitioner has alleged that the respondent nos.6 to 8 has started a construction on Holding No.14, Benaras Road, P.O. Salkia, P.S. Malipanchghora, District-Howrah under Howrah Municipal Corporation, Ward No.6.

It is the contention of the petitioner that despite objections raised by the petitioner, the Howrah Municipal Corporation has not taken any steps to stop such illegal and unauthorized construction.

Although, the respondent nos.6 to 8 are not present before the Court, the Court proposes to dispose of the writ petition in their absence. As the matter is being relegated to the authorities by this Court without any observations on the merits of the claims of the petitioner, the rights of the said

respondents to contest the proceedings are not curtailed. The competent authority shall proceed according to law and upon compliance of the principles of natural justice.

The complaint of the petitioner dated September 18, 2021, which is Annexure-P/2 at Page-18 of the writ petition, shall be disposed of by the competent authority of the Howrah Municipal Corporation in the manner prescribed below:

- a) Inspection of the construction shall be conducted in the presence of the parties, with 48 hours advance notice to the parties. If the parties are not available to accept notice, the same shall be affixed at a conspicuous place in the respective premises.
- b) Reports shall be prepared and handed over to the parties.
- c) Hearing shall be given to the petitioner and the respondents Nos.6 to 8. The parties must also be allowed to furnish their written objection/version to the said reports and adduce oral and documentary evidence in support of their contentions, before the competent authority.
- d) Reasoned orders 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 with regard to both the constructions.

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.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)