

Item No. 14

21.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16360 of 2022

Lakhindra Das & Anr.

v.

The Howrah Municipal Corporation & Ors.

Mr. Arindam Banerjee
Ms. Somali Mukhopadhyay
... for the petitioners.

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

Mr. Anirban Ghosh
... for the respondent no. 6.

Inspection report has been filed before this Court signed by the Sub-Assistant Engineer(Building Department) and the Assistant Engineer(in-Charge), Building Department, Howrah Municipal Corporation dated September 17, 2022. It appears therefrom that the joint inspection was conducted in the presence of the parties on September 17, 2022.

The inspection report mentions the following deviations”-

1. Sanctioned area of Ground Floor 751.710 sqm. Deviated area on Ground Floor more or less 50.08 sqm. Change of use ground floor more or less 674.99 sqm.
2. Sanctioned are of 1st Floor 751.710 sqm. Deviated area on 1st Floor more or less 50.08 sqm.

3. Sanctioned area of 2nd Floor 634.71 sqm. Deviated area on 2nd Floor more or less 167.004 sqm.
4. Sanctioned area of 3rd Floor 532.38 sqm. Deviated are on 3rd Floor more or less 152.410 sqm.
5. Sanctioned area of 4th Floor 532.38 sqm. Deviated area on 3rd Floor more or less 75.99 sqm.
6. It is noted that the internal deviation have been done at each floor by changing the orientation/amalgamation of flats.

It appears that the Municipal Corporation has already given the details of the deviation that has been made at the time of construction of the said premises.

The Howrah Municipal Corporation is directed to proceed in accordance with law to deal with the deviations after giving an opportunity of hearing to the parties.

By consent of the parties present in Court the date of hearing is fixed on October 21, 2022 at 12.30 p.m.

The flat owners may be present in person or through their authorized representative before the hearing officer on the aforesaid date and time. The notice disclosing the date and time of hearing shall be affixed by the Howrah Municipal Corporation at all conspicuous places in and around the said building.

It is made clear that the parties will not be entitled to seek adjournment on the date of hearing that has been fixed.

The Howrah Municipal Corporation shall take steps to conclude the proceeding in accordance with law, at the earliest, but positively within November 30, 2022

and intimate the fate of the proceeding to the parties immediately after conclusion of the same.

In view of the order that has been passed today, the Howrah Municipal Corporation shall not give any effect or further effect to the orders dated July 8, 2022 and August 23, 2022 passed by the Assistant Engineer (In-Charge), Building Department, Howrah Municipal Corporation.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)