

Sl. No.67
23.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17383 of 2022

Sri Jawaharlal Verma

vs.

The State of West Bengal & Ors.

Mr. Sanjib Seth

... for the petitioner

Mr. Bhagbat Chaudhuri

... for the respondent no.8

Mr. Sandipan Banerjee

Mr. Sobhan Majumder

Mr. Ankit Sureka

... for the Howrah Municipal Corporation

Mr. Himadri Sekhar Chakraborty

Ms. Susnita Saha

... for the State

The petitioner complains that the respondent no.8 is making construction over the holding Nos. 200 and 202, Rabindra Nagar, Chandmari Road, under the jurisdiction of the Howrah Municipal Corporation.

It has been submitted that a G+1 storied structure has been constructed in holding No.200 and a one storied construction has been made in holding no.202.

The petitioner complains that the representation dated 11th July, 2022 is pending consideration at the end of the Howrah Municipal Corporation.

Learned advocate representing the private respondent denies the contention of the petitioner. It has

been submitted that there is a valid sanction plan in respect of holding no.200, Rabindra Nagar, Chandmari Road, and in respect of Plot No.202 construction is old one and no new construction has been made.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no.5, the Assistant Engineer, Howrah Municipal Corporation, to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of 12 weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioners immediately thereafter.

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 unauthorised 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 petitioner is directed to forward a copy of the representation dated 11th July, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

Affidavit of service filed in Court is taken on records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)