

Sl. No.20
26.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 18038 of 2021

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IA No.: CAN 1 of 2021

Sri Somnath Sudhir Mitra & Ors.
Versus
The Howrah Municipal Corporation & Ors.

Mr. Saptanshu Basu
Mr. Sayan Sinha
Mr. Adil Naser
Mr. Steven S. Biswas

... for the Petitioners

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
Mr. Ankit Surekha

... for the Howrah Municipal Corporation

Mr. Jaharlal De
Mr. Srikanta Paul

... for State

The petitioners alleges that the respondent nos.8 to 11 being the developer and owners of the land in question have constructed flats in the place earmarked for car parking.

The petitioners filed complaint before the Howrah Municipal Corporation in November, 2021 and allege that the same has not been taken up for consideration till date.

Learned advocate representing the aforesaid respondents submits that construction has been made

strictly in accordance with the plan sanctioned by the Howrah Municipal Corporation.

As it appears that the representation of the petitioners 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.2, the Commissioner, Howrah Municipal Corporation or his delegate, to consider and dispose of the representation made by the petitioners strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioners within a period of twelve 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 petitioner 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 petitioners is directed to forward a copy of the representation dated 2nd November, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

Supplementary affidavit filed in Court is taken on record.

Writ petition as well as the connected application 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.)