

Item No. 6

03.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17632 of 2022
Happy Sunshine

v.

The Howrah Municipal Corporation & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K. Raihan Ahmed
Mr. Rudranil Das
... for the petitioner.

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

As the matter was moved citing urgency, the Court directed the learned advocate of the petitioner to serve a copy of the writ petition upon Mr. Sandipan Banerjee, learned advocate who usually represents the Howrah Municipal Corporation before this Court. Today Mr. Sandipan Banerjee, learned advocate has entered appearance on behalf of the Howrah Municipal Corporation. The Howrah Municipal Corporation is directed to regularize the engagement of Mr. Banerjee in this matter.

The order passed by the Assistant Engineer-in-Charge, Building Department, Howrah Municipal Corporation dated July 16, 2022 is impugned in the present writ petition.

The matter relates to the Holding No. 110/2, Kali Kundu Lane, Police Station- Bantra, District-Howrah, Pin-711101 under the jurisdiction of the Howrah Municipal Corporation.

It appears that the said order was passed in compliance of the order passed by this Court on March 31, 2022. Fact remains that a further writ petition was filed by the petitioner being WPA 9960 of 2022 where an order was passed on June 16, 2022 directing the men and agents of the Howrah Municipal Corporation to make a fresh inspection upon giving prior notice to the petitioner, the complainant and all other necessary parties within a stipulated time period. The inspection report was directed to be served upon the parties immediately thereafter.

The Howrah Municipal Corporation failed to act in accordance with the subsequent order passed by this Court on June 16, 2022 and has passed the impugned order relying upon the earlier order passed by this Court on March 31, 2022.

The Howrah Municipal Corporation ought to have acted in accordance with the direction passed by the Court on June 16, 2022. On the request of the learned advocate representing the Howrah Municipal Corporation, the Court refrains from passing any

stringent order against the Howrah Municipal Corporation.

The impugned order dated July 16, 2022 which was passed contrary to the direction passed by this Court on June 16, 2022 is accordingly set aside and quashed.

The Howrah Municipal Corporation is directed to take steps strictly in accordance with the order passed by this Court on June 16, 2022 within a period of three weeks from date. All the other directions passed in the order dated June 16, 2022 is liable to be complied with by the Howrah Municipal Corporation.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on records.

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

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(Amrita Sinha, J.)