

Sl. No.22
26.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 19552 of 2021

Sri Suresh Kumar Singh
Versus
The Howrah Municipal Corporation & Ors.

Mr. Animesh Paul
Mr. Chandan Mondal

... for the petitioner

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee

... for the State

Mr. M. P. Gupta
Mr. Ayan Mitra

... for the private respondents

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

... for the Howrah Municipal Corporation

The petitioner alleges illegal and unauthorised construction at the premises No.379, Belilious Road, Police Station-Howrah, Ward No.17, within the jurisdiction of the Howrah Municipal Corporation.

According to the petitioner two additional floors have been constructed without obtaining any sanction.

Learned advocate for the Howrah Municipal Corporation submits that additional floors have been constructed without obtaining sanction.

Learned advocate representing the private respondent submits that he was the Developer of the property in question. The construction completed long back and flats have been handed over to the respective

buyers. It has been submitted that the writ petition will not be maintainable, as the buyers have not been impleaded as parties in the present writ petition.

The allegation of the petitioner that unauthorised construction has been made is pending consideration at the end of the Municipality.

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 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 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 petitioner is directed to forward a copy of the representation dated 22nd November, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

An opportunity of hearing shall be given to the respective flat owners/ occupiers and all other necessary parties in the event unauthorised construction is detected.

If the Howrah Municipal Corporation is unable to locate the owners/occupiers of the portions which have been constructed unauthorisedly, then the Corporation shall affix notice at several conspicuous places in and around the premises to make the occupants/owners of the unauthorised construction aware of the proceeding that is being conducted by the Howrah Municipal Corporation.

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.)