

16.11.2022
Item No.18
Crt.No.24
b.r.

W.P.A 18199 of 2019

Sri Bipul Chandra Das
-vs-
Howrah Municipal Corporation & Ors.

Mr. Sanat Kumar Roy
Mr. Abhisekh Banerjee
..... for the petitioner.

Mr. Sandipan Banerjee
Mr. Sobhan Banerjee
Mr. Ankit Sureka
.....for the Howrah Municipal Corporation.

Affidavit of Service filed in Court today be taken on record.

None appears for the private respondent despite service.

The petitioner alleges illegal and unauthorised construction at the instance of the private respondent at holding no. 144/1, Naskar Para Road, P.S.-Malipanchghara, District-Howrah under the jurisdiction of Howrah Municipal Corporation.

Objection filed by the petitioner on 28th June, 2019 followed by reminder dated 2nd July, 2019 and the notice demanding justice dated 29th August, 2019 has not been disposed of till date.

As it appears that the objection filed is pending consideration at the end of the Howrah Municipal

Corporation, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no.1 being the 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 three months 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 unauthorized 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 29th August, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all necessary formalities.

(Amrita Sinha,J.)