

Sl. No.27
07.11.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20187 of 2022

Ram Mohan Pal
v.
The Howrah Municipal Corporation & Ors.

Mr. Buddhadeb Ghoshal
Mrs. Moumita Ghosh
... for the petitioner

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
Mr. Ankit surekha
... for the Howrah Municipal Corporation

Mr. Sudipto Panda
Mrs. Munmun Tewary
... for the State

Mr. Animesh Paul
... for the private respondent no.8

The petitioner complains of illegal and unauthorised construction at the holding no. 42, Khagendra Nath Ganguly Lane, Salkia, Ward No.12, Howrah.

The petitioner submits that after lodging of the complaint before the Howrah Municipal Corporation, the BMR proceeding being No. 47/B-II/21/22 has been initiated and notice has been served in January, 2022. Since thereafter, no steps have been taken to proceed with and conclude the said proceeding.

Learned advocate representing the private respondent denies the allegation of unauthorised

construction and submits that the proceeding initiated by the Howrah Municipal Corporation is yet to be concluded.

It appears from the notice issued by the Corporation that proceeding has already been initiated to deal with the unauthorised construction but the same is yet to be concluded.

Howrah Municipal Corporation is directed to conclude the said proceeding strictly in accordance with law, at the earliest, after giving reasonable opportunity of hearing to all the necessary parties.

The Howrah Municipal Corporation shall cause a spot inspection upon prior notice to the parties and serve inspection report upon the parties. The inspection shall be conducted positively within a period of three weeks from the date of communication of this order. A final decision shall be taken in the matter within a period of eight weeks from the date of spot inspection being held. The final order shall be communicated to all the parties immediately thereafter.

As the Howrah Municipal Corporation has already started proceeding under Section 177 of the Howrah Municipal Corporation Act, accordingly, Howrah Municipal Corporation shall ensure that no construction is carried on at the said premises till a final decision is taken by the authority in this regard.

The writ petition stands disposed of.

Affidavit of service filed in Court is taken on record.

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

(Amrita Sinha, J.)