

List dt.6.6.22
Item No. 139
14.06.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 18513 of 2019

**Samir Karar
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Anil Kumar Chattopadhyay.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Ankit Surekha,
Mr. Sobham Majumder.
...For HMC.**

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

The petitioner is aggrieved by the action on the part of the Howrah Municipal Corporation directing him to self-demolish the unauthorized construction of the masonry building at Dag No.-1513 (old), 1557 (L.R.), Khatian No. 9269 (LR), J.L. No. 107, Mouza-Kona 21, Ashwathtala Lane, Howrah.

Learned advocate appearing for the petitioner submits that the construction is minor in nature and a representation has been filed by the petitioner praying for regularization/retention of the said structure on 26th August, 2019.

The petitioner alleges that the said representation has not been considered till date.

Learned advocate appearing for the Howrah Municipal Corporation submits that the petitioner was heard on several occasions regarding the unauthorized construction made by him over the aforesaid plot of land.

It has been submitted that there is no provision for regularization/retention of the said structure without the approval of the State Government.

It has been candidly submitted that though hearing was taken in respect of the petitioner's prayer for regularization/retention, no final order has been passed in the matter till date.

As it appears that the prayer of the petitioner praying for regularization/retention of the unauthorized construction is pending consideration at the end of the Howrah Municipal Corporation, accordingly, the instant writ petition is disposed of by directing the Assistant Engineer of the Howrah Municipal Corporation being the respondent No. 4 to take a decision with regard to the prayer of the petitioner strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The aforesaid respondent, if required, may grant a further opportunity of hearing to the petitioner to produce all relevant documents in support of his prayer.

A reasoned order shall be passed by the said respondent and communicated to the petitioner immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioner regarding regularization/retention of the unauthorized construction 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 26th August, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)