

Item No. 31

7.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20462 of 2022
Chandra Nath Adhikary

v.

The State of West Bengal & Ors.

Mr. Jagabandhu Roy
Mr. Joy Chakraborty
Mr. Sandip Dinda
... for the petitioner.

Mr. Syed Nasirul Hossain
... for the State.

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

The petitioner complains of illegal and unauthorized construction at the instance of the respondent nos. 5 and 6. On receipt of a complaint from the petitioner, the Howrah Municipal Corporation has started BMR proceeding to deal with the allegation of unauthorized construction. Hearing was conducted on August 30, 2022.

The petitioner complains that final order has not been passed by the Corporation till date. The private respondents are merrily going on with the work of construction.

None appears on behalf of the private respondents despite service.

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

As it appears that the Howrah Municipal Corporation has already conducted a hearing, it is incumbent for the said authority to pass order and intimate the fate of the hearing to the parties.

The same has not been done till date.

The Assistant Engineer, Borough-III, Howrah Municipal Corporation is directed to communicate the fate of the hearing held on August 30, 2022 to the parties positively within a period of three weeks from the date of communication of a copy of this order. The aforesaid authority shall ensure that no unauthorized construction is carried on at the subject premises till the issue is conclusively dealt with by them.

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

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(Amrita Sinha, J.)