

Item No. 62

20.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 21388 of 2022
Ramesh Kumar Jaiswal

v.

The Howrah Municipal Corporation & Ors.

Mr. Debanik Banerjee
Mr. Akash Ganguly
Mr. Nilanjan Bhattacharyya
... for the petitioner.

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

The petitioner, claiming to be a social activist, alleges illegal and unauthorized construction at holding No. 15, Round Tank Lane, P.S.-Howrah, Ward No. 29, Howrah-711 101 under the jurisdiction of the Howrah Municipal Corporation. The petitioner complains that construction is being made in violation of the existing building rules.

None appears on behalf of the private respondents despite service.

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

In view of the order that I propose to pass, no prejudice shall be caused to the non-appearing respondents, if the writ petition is disposed of in the following manner.

The petitioner relies upon the information provided by the Howrah Municipal Corporation under the Right to Information Act, 2005 in support of his allegation of unauthorized construction.

The writ petition is accordingly disposed of by directing the respondent no. 1, Howrah Municipal Corporation to ascertain the allegation of unauthorized construction strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties 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 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.

Learned advocate of the petitioner is directed to forward a copy of the information provided by the Howrah Municipal Corporation 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.