

Item No. 32

29.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 22538 of 2022
Pallab Kumar Ata @ Pallab Ata & Anr.
v.
Howrah Municipal Corporation & Ors.

Mr. Srijib Chakraborty
Mr. Avirup Chatterjee
... for the petitioners.

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

Mr. Satyam Mukherjee
... for the respondent no. 8.

Mr. Subhendu Roychoudhury
Mr. Sumitava Chakraborty
... for the respondent nos. 4 to 7.

The petitioners refer to the order dated August 30, 2022 passed by the Commissioner, Howrah Municipal Corporation wherein two points are mentioned as follows:-

1. The petitioner(s) may be provided all documents like measurement logs, drawings inspections report, etc. for an evaluation as a last chance. They may file any objection in 7 days from date of issue of this order.
2. If no objections are received, the petitioner(s) are given 5 days after the completion of 7 days to cause self-demolition of the deviation portion(s), failing which, HMC will be at the liberty to demolish such said portion(s) and the cost of the same will have to be borne by the petitioner(s).

According to the petitioners, the documents supposed to be provided by the Corporation are yet to be forwarded. Without the said documents it is not possible for the petitioners to file any objection to the inspection report.

There is nothing on record to suggest that the documents as mentioned in point no. 1 hereinabove have been forwarded to the petitioners.

Accordingly, the present writ petition is disposed of by directing the Commissioner or his delegate to forward the necessary documents positively within a period of four weeks from the date of communication of a copy of this order to enable the petitioners to file their objection.

After the objection is filed by the petitioners, the Commissioner may proceed in the matter in accordance with law. If no objection is received from the petitioners within a week from the date of receipt of the documents, it will be open for the Corporation to proceed in accordance with point no. 2 of the impugned order as mentioned herein above.

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.)