

19.01.2022
Court No. 19
Item no.8
sn

WPA 9094 of 2020

Dr. Supriya Kumar Mandal
Vs.
The Howrah Municipal Corporation & ors.

Mr. Suman Sinha
Mr. Mainak Swarnokar
.....for the petitioner.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
.....for the Corporation.

Despite service, none appears on behalf of the respondent no.6. Affidavit of service is taken on record.

The matter is taken up in the absence of the respondent no.6, as no mandatory directions are being passed affecting his right. The Court is of the opinion that the entire issue should be disposed of by the Howrah Municipal Corporation in accordance with law and upon allowing all the parties to be represented before the authority.

The petitioner has alleged unauthorised construction on premises no. 78/5/2, Thakur Ramkrishna Lane, Police Station Chatterjeehat, Howrah 711 104.

This Court is of the opinion that the Corporation ought to have disposed of the complaints made by the petitioner dated September 2 and 8,

2020 in accordance with law. The Corporation is duty bound to take steps in case a citizen points out constructions are being made by some persons in violation of the rules.

This Court is not the proper forum to enter in to the merits of the complaints of the petitioner. The competent authority of the Howrah Municipal Corporation must reach the complaints to their logical conclusion by adhering to the following directions: -

- a) An inspection of the site shall be conducted. Such inspection shall be held in the presence of the parties, with 48 hours advance notice to the petitioner and the respondent no.6. If the parties are not available to accept notice, the Corporation shall affix the notice of hearing and inspection at a conspicuous places in their respective premises.
- b) The report of the inspection shall be prepared along with the sketch map indicating the extent and nature of unauthorized construction, if any.
- c) Such report shall be handed over to the petitioner as also the respondent no.6.
- d) A hearing shall be given to the petitioner and the respondent no.6. The parties must

also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contentions before the competent authority.

- e) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in terms of the statute.

The court has not gone into the merits of the claims and counter-claims of the parties and the issues shall be decided independently.

In view of the rising pandemic situation, the entire exercise shall be completed within a period of eight months from the date of communication of this order.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)