

Sl. No.34
22.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 9562 of 2020

Sri Sibnath Chatterjee
versus
Howrah Municipal Corporation & Ors.

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee
... for the Petitioner.

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
Mr. Ankit Sureka
... for the Howrah Municipal Corporation

Mr. Ayan Banerjee
Mr. Debasree Dhamali
... for Bally Municipality

The petitioner raises issue of unauthorised construction at the instance of the respondent nos.4 and 5 over holding No.59/6, Ramlochan Street, Post Office-Belurmath, Police Station Belur, District-Howrah.

The petitioner states that a preemption case is pending consideration in respect of the said plot of land before the Hon'ble Supreme Court being SLP No.26217 of 2019.

According to the petitioner, the Municipality has sanctioned the building plan for making construction over the said plot of land indirectly admitting the ownership of the private respondent.

The petitioner alleges that the private respondents are making construction in deviation of the plan that has been sanctioned by the Corporation.

The petitioner filed a representation before the Howrah Municipal Corporation in November, 2020 in response to which the Corporation inspected the property in question but prior to passing a final order in the matter jurisdiction of the property got to be transferred from Howrah Municipal Corporation to the Bally Municipality. Presently, it is the Bally Municipality which is to take a decision upon consideration of the representation of the petitioner.

The petitioner is yet to file any representation or objection highlighting his grievances before the Bally Municipality.

In view of the above, leave is granted to the petitioner to file a comprehensive representation highlighting all his grievances before the Bally Municipality with supporting documents.

In the event such a representation is made, the same shall be considered by the competent authority of the Bally Municipality strictly in accordance with law, after giving reasonable opportunity of hearing to all the parties and a reasoned order be passed and communicated to the parties immediately thereafter.

It is made clear that the Municipality shall not enter into or decide the issue of right, title and interest

of the parties that is pending consideration before the Hon'ble Supreme Court.

The representation shall be considered only with regard to unauthorised construction.

The writ petition stands disposed of.

Affidavit of service filed in court is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)