

OD-7

ORDER SHEET

WPO/2045/2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MANISH TIWARI
VERSUS
HOWRAH MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : May 6, 2022.

Appearance:
Mr. Sujit Banerjee, Adv.
Mr. Nilay Sengupta, Adv.
...for the petitioner

The Court:- Affidavit-of-service is taken on record.

The respondent no.6 has refused the service of the writ petition. The postal article containing such endorsement is taken on record. Refusal is good service.

Despite service, none appears on behalf of the Howrah Municipal Corporation.

The petitioner alleges that the respondent no.6 has made certain unauthorized construction at premises No.6/1 Nabin Chandra Banerjee Lane, Howrah. Alleging such unauthorized construction, the petitioner filed repeated complaints before the Corporation. The

Corporation did not take any steps, hence this writ petition has been filed.

Without going into the merits of the complaints of the petitioner, the writ petition is disposed of with a direction upon the competent authority of the Howrah Municipal Corporation to act and proceed in accordance with law and dispose of the complaints of the petitioner dated October 7, 2021 as also December 23, 2021 upon hearing the petitioner as also the respondent no.6. Proceeding so initiated shall be reached to its logical conclusion. While doing so, the following procedure shall be followed:

- a) The Corporation shall cause an inspection of the premises in question upon notice to the petitioner as also the respondent No. 6.
- b) Upon holding the inspection, the Corporation authorities shall prepare an inspection report with the sketch map indicating the nature and extent of the unauthorized construction. Copies of the inspection report and sketch map shall be handed over to the parties.
- c) Parties will be entitled to file their written objection/written version to the said report and also adduce oral and documentary evidence in support of their contentions.
- d) A reasoned order shall be passed and communicated to the parties upon giving an opportunity of hearing.

- e) Upon conclusion of the proceeding, the Corporation shall take steps in accordance with law and reach the matter to its logical conclusion.

The question of title and encroachment shall not be gone into by the Corporation. The proceeding shall be restricted solely to the question as to whether there has been any construction in the absence of a sanctioned plan or in deviation thereof or in violation of the building rules. The entire exercise shall be decided and disposed of by the competent authority of the Howrah Municipal Corporation within four months from the date of communication of this order.

Accordingly, WPO/2045/2022 is disposed of.

The petitioner is directed to communicate this order to the Howrah Municipal Corporation as also the respondent no.6.

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

[SHAMPA SARKAR, J.]