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18.05.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 498 of 2023

**Ramdullari Castle Private Limited
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Utpal Bose, Sr. Adv.,
Mr. Suddhasatva Banerjee,
Mr. Pushan Kar,
Mr. Sagnik Majumdar,
Mr. Pritam Kumar Das,
Ms. Shalmoli Ghosh.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder.
...For HMC.**

**Mr. Bibekananda Tripathy.
...For the State.**

The petitioner seeks for direction upon the Howrah Municipal Corporation for sanction of a plan for raising construction at premises no. 456, G.T. Road (S), Shibpur, Howrah and 2, Guru Charan Roy Choudhury Ghat Road, Shibpur, Howrah.

Learned senior counsel appearing for the petitioner submits that in respect of the selfsame plot of land, Howrah Municipal Corporation sanctioned building plan in compliance of the direction passed by this Court on 17th September, 2008 in WP No. 19224 (W) of 2004 in the matter of Tutul Ice Plant Private Limited & Anr. -vs- Howrah Municipal Corporation & Ors. and in WP 14713 (W) of 2003 in the matter of Vijay

Shree Limited & Anr. -vs- Howrah Municipal Corporation & Ors.

The petitioner submits that by the said order the Hon'ble Court was pleased to direct the Howrah Municipal Corporation to consider and take a decision on the building plan in accordance with law and in the light of the observations made in the order.

The petitioner contends that the facts of the case are absolutely the same and the petitioner seeks for the same relief as granted by the Court by order dated 17th September, 2008 in the aforesaid two writ petitions.

The Howrah Municipal Corporation by a communication dated 1st December, 2022 addressed to the petitioner has intimated that certain documents will be required for sanction of the building plan.

The petitioner submits that no further documents are required to be submitted as all documents are already on record in the office of the Howrah Municipal Corporation.

Learned advocate appearing for the Howrah Municipal Corporation submits that the petitioner will be obliged to comply the criteria as laid down in the order of the Howrah Municipal Corporation vide order 226/COMMR/12-13 dated 8th August, 2012 which are the building rules framed by the Howrah Municipal Corporation.

The Court is of the view that the Commissioner, Howrah Municipal Corporation be directed to take a decision afresh as to whether the petitioner will be required to supply any further documents in the light of

the order passed by the Hon'ble Court on 17th September, 2008.

The order of the Hon'ble Court has taken care of all the documents that are required to be supplied at the time of sanction of the building plan.

The Court specifically held that sanction of the building plan cannot be refused on the ground of requirement of permission from the West Bengal Land and Land Reforms Department or under the provisions of the West Bengal Estate Acquisition Act, 1954.

The Court specifically held that in view of the clarification from the Government of West Bengal with regard to the authority of the officials of the Industrial and Reconstruction Department it is apparently clear that the State had through its authorized representatives acquiesced and/or agreed to the transfer of surplus land for generation of fund for revival of the Company and it is immaterial as to which department represented the Government.

In view of the above, the instant writ petition is disposed of by directing the Commissioner, Howrah Municipal Corporation to consider and take a fresh decision in the matter with regard to the prayer of the petitioner for sanction of building plain in accordance with law and in the light of the observations made by this Court in the order dated 17th September, 2008 in WP No. 19224 (W) of 2004 and WP No. 14713 (W) of 2003 in the matter of Vijay Shree Limited & Anr. -vs- Howrah Municipal Corporation & Ors.

A decision shall be taken at the earliest, but positively within a period of ten weeks from the date of communication of this order.

An opportunity of hearing shall be granted to the petitioner and a reasoned order shall be passed and communicated.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)