

17
27.03.2023
d.p.

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

W.P.A 1741 of 2022

**Mahmood Khan
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Syed Shahid Imam,
Ms. Shaika Khan.
...For the Petitioner.**

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

**Mr. Ejaz Hossain,
Mr. Gausel Aalam.
...For the State.**

**Mr. Tarique Quarimuddin,
Ms. Zanoab Tahur.
...For the Respondent
Nos. 8 to 11.**

**Mr. Kushal Chatterjee,
Mr. Debrup Choudhury.
...For the Respondent No.7.**

The petitioner alleges illegal and unauthorized construction over certain premises which allegedly is Waqf property. The premises number mentioned in the prayer of the writ petition and the documents annexed to the writ petition appears to be contradictory to each other.

It does not appear that a formal representation was filed before the Howrah Municipal Corporation objecting to such unauthorized construction.

Reliance has been placed upon orders allegedly passed by the Board of Waqf.

According to the municipal laws, if any construction is made over the property in question located within the Howrah Municipal Corporation, then permission is required from the said Corporation. If any construction is made without obtaining any permission, then objection is to be filed before the Corporation.

In the absence of a proper objection/representation, it will not be proper for the Howrah Municipal Corporation to exercise jurisdiction in the matter.

In view of the above, leave is granted to the petitioner to make appropriate application before the Howrah Municipal Corporation in the event there is any unauthorized construction.

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.

(Amrita Sinha, J.)