22
16.10.2023
Court No. 24
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 1471 of 2020

Ahmed Ali @ Ahmed Nadim
-versus
Howrah Municipal Corporation & Ors.

Mr. Kajol Chattopadhyay
Mr. C Sinha
... For the petitioner.

Mr. Amitava Pain
Mr. Nilmoni Das
... For the respondent nos. 7 & 9.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumdar
... For the Howrah Municipal Corporation.

The petitioner complains of illegal and unauthorised construction at 23, Hamid Munshi Lane, Howrah-711101. Complaint against unauthorised construction is pending consideration.

The petitioner relies upon the information provided by the SPIO, Howrah Municipal Corporation that self-demolition notice has already been issued. Copy of the self-demolition notice was, however, not served upon the petitioner and the private respondent represented by the learned advocate in Court today.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the

respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Commissioner, Howrah Municipal Corporation or his delegate to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of three months from the date of communication of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 30th November, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

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.)