

13.04.2023

WPA 2378 of 2023

Rajiv Shaw
Vs.
Howrah Municipal Corporation & Ors.

Mr. M.P. Gupta
Mr. D.K. Sinha
Mr. A. Mitra
Mr. A. Panja

... ... for the petitioner

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumder

... ... for the HMC

None appears on behalf of the private respondent.

Affidavit of service filed in Court is taken on record.

The petitioner complains of illegal and unauthorized construction at the behest of the respondent no.6. Specific allegation of the petitioner is unauthorized construction is going on without obtaining any sanction plan at Holding No.35, Panchanantala Road, District – Howrah, Borough – III under the jurisdiction of Howrah Municipal Corporation. It has been submitted that three additional floors have been constructed illegally and in an unauthorized manner.

A legal representation was filed before the Howrah Municipal Corporation and the same is pending consideration.

Learned advocate appearing for the Howrah Municipal Corporation submits that the representation filed before the Corporation does not give the details of the unauthorized construction.

As it appears that the representation was filed on behalf of the petitioner way back in November, 2022 and the writ petition was affirmed in February, 2023 mentioning that the additional floors have been constructed, accordingly, liberty is granted to the petitioner to file fresh representation giving details of the unauthorised construction made.

In the event such a representation is filed by petitioner, then steps shall be taken to consider and dispose of the same by the Commissioner, Howrah Municipal Corporation or his delegate in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

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

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of filing of the representation.

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.)