

Item No 29.03
20 2023
Ct No 24
AGM

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

WPA 3667 of 2023

**Smt. Namita Mukherjee
Vs
The Howrah Municipal Corporation & Ors.**

Mr. Haradhan Banerjee, Sr. Adv.
Mr. Amitava Pain,
Mr. S. Dutta, ... For the petitioner.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumdar,
... For the HMC.

In compliance of the direction passed by the Court,
an inspection was conducted by the engineers of the
HMC.

The Licensed Building Surveyor of the petitioner
was present at the site of inspection on 23rd March, 2019
but at the time of inspection on 13th March, 2023, the
Licensed Building Surveyor of the petitioner remained
absent.

Learned advocate for the petitioner submits that the
erstwhile Licensed Building Surveyor expired in the
meantime.

The report of the Assistant Engineer, Borough-
Licensed Building Surveyor, HMC dated 28.03.2023
mentions about certain deviations detected at the time of
spot inspection.

A copy of the spot inspection report has been
handed over to the learned advocate appearing for the

petitioner.

It will be open for the petitioner to make appropriate submission in connection to the said report before the Assistant Engineer, Borough-VII, HMC. The competent authority of the HMC shall afford an opportunity of hearing to the petitioner and all other necessary parties and pass a reasoned order with regard to the deviations in question.

The petitioner submits that a proposal for regularization of the deviated portion is pending consideration before the HMC.

The Corporation shall decide both the issues together, i.e. the issue of regularization and demolition of the unauthorised construction and pass a reasoned order and communicate the same to all the necessary parties.

The petitioner shall file the objection before the authority by 13th April, 2023.

An opportunity of hearing be given and final decision taken by the concerned authority by 31st May, 2023.

The order dated 01.02.2023 passed by the OSD and Officer-in-Charge, Borough-VII is set aside and quashed.

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.)

