

Item No.52

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.01.2023
Ct-24

WPA 4014 of 2022
Subhasis Rakshit

v.

Howrah Municipal Corporation & Ors.

Ms. Debjani Roy
Ms. Bratati Pramanick
... for the petitioner.

Mr. Satyam Mukherjee
Mr. Soumyadeep Mukherjee
Ms. Sayani Ahmed
... for the private respondent.

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

The petitioner alleges that the private respondent is guilty of making illegal and unauthorized construction.

The petitioner relies upon an information dated February 8, 2022 by the Assistant Engineer of the Howrah Municipal Corporation addressed to one Sunil Kumar Chakraborty of Salt Lake under the Right to Information Act, 2005 mentioning that upon perusal of the documents and records in the concerned department, no record was found with regard to the grant of sanction in respect of the Premises No. 237/2, Sarat Chatterjee Road, Shibpur.

The petitioner tries to impress the Court relying upon the record of rights in respect of the aforesaid

premises that the Dag nos. 122 and 124 are recorded as 'Pukur Par' and 'Pukur' in the records maintained by the land authority.

The petitioner complains that objection filed against such unauthorized construction is pending consideration at the end of the Howrah Municipal Corporation.

Learned advocate representing the private respondent no. 7 denies the allegation of the petitioner. The sanction plan for raising construction at the subject premises in favour of the father of the private respondent has been placed in Court.

It has been submitted that the construction was made in the year 1983 and no new construction has been made at present as alleged or at all.

It has been further submitted that the present writ petition is the fall out of the complaint lodged against the illegal construction made at the adjacent premises of the private respondent. An order of demolition has been passed by the Commissioner, Howrah Municipal Corporation.

Learned advocate for the Howrah Municipal Corporation submits that the information under the Right to Information Act relied upon by the petitioner was supplied by the building department of the Corporation and the said department does not have any record of the sanctions granted by the Borough Offices.

From a perusal of the documents placed before this Court, the Court is not satisfied with the submission made on behalf of the petitioner alleging unauthorized construction.

It appears that there is a sanctioned plan in favour of the father of the private respondent and the construction appears to have been concluded way back.

At this stage, it will not be proper to direct the Corporation to reopen the issue of construction made more than forty years back.

In view of the above, no relief can be granted to the petitioner in the present writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)