

ML 155
25.04.2023
d.p.

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

W.P.A 4325 of 2022

**Smt. Sarita Das
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Bidyut Kumar Halder,
Mr. Indranil Halder,
Ms. Srabanti Das,
Ms. Neha Singh.
...For the Petitioner.**

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

**Mr. Haradhan Banerjee,
Mr. Amitava Pain,
Mr. S. Dutta,
Mr. Partha Pratim Mukherjee.
...For the Respondent No.4.**

The petitioner complains of illegal and unauthorized construction at the instance of the private respondent at premises no. 26/21, Fakir Bagan Lane, P.S.-Golabari, Ward No. 15, Borough-II of the Howrah Municipal Corporation.

Specific allegation of the petitioner is that the construction is being made without a valid sanction plan.

The petitioner alleges that the objection filed before the Commissioner of the Corporation in November 2021 has not been considered till date.

Learned senior advocate appearing for the private respondent denies the allegation of the petitioner.

It has been submitted that the construction has been made strictly in accordance with the plan sanctioned by the Corporation and the plan in question is valid till 2025.

The petitioner herself was a party to the development agreement entered in respect of a portion of the said construction. A flat in the ground floor of the said construction has been allotted to the petitioner.

Learned advocate appearing for the petitioner feigns ignorance of the aforesaid submission made on behalf of the private respondent.

Learned advocate appearing for the Howrah Municipal Corporation is yet to take instruction in the matter.

As it *prima facie* appears that a plan was sanctioned for raising construction at the subject premises, accordingly, the allegation of the petitioner that the construction has been made without a valid sanction plan remains unsubstantiated.

Accordingly, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

However, dismissal of the writ petition will not stand in the way of the Howrah Municipal Corporation to inspect the property to ascertain as to whether there

has been any deviation at the time of making construction or not.

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

(Amrita Sinha, J.)