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No24  
AGM

03.07  
2023

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

**WPA 5125 of 2023**

**Anita Tiwari  
Vs  
The State of West Bengal & Ors.**

**Mr. Dev Kumar Sharma  
... for the Petitioner.**

**Mr. Ayan Banerjee  
Ms. Debasree Dhamaly  
... for the Bally Municipality.**

**Mr. Ankit Sureka  
Mr. Sobhan Majumdar  
... For the HMC.**

Affidavit of service filed today is kept with the records.

None represents the private respondents despite service.

It has been submitted by the learned advocate representing HMC and the Bally Municipality that the property in question, where there is allegation of unauthorised construction, falls within the jurisdiction of HMC.

The property is situated at 23, Bhot Bagan Lane, Police Station Malipanchghora, District Howrah.

The petitioner alleges that illegal construction has been made at the subject premises. Complaint lodged against such unauthorised construction

before the HMC has not been taken up for consideration till date.

On a perusal of the said representation it appears that the description of the property where unauthorized construction has been made is not clearly mentioned. It may not be possible for the HMC to identify the property where allegation of unauthorised construction has been made.

In view of the above, leave is granted to the petitioner to file fresh objection giving details of the unauthorised construction that has been made.

If such a representation is filed, then the HMC shall taken into consideration the said objection in accordance with law and decide the same upon giving reasonable opportunity of hearing to all the necessary parties.

A reasoned order shall be passed and communicated to the parties.

Prior to taking a final decision in the matter, a spot inspection shall be conducted by the Corporation to ascertain the allegation of the petitioner.

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.)**

