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26.06.2023
d.p.

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

W.P.A 6891 of 2023

**Sanjib Kumar Mazumder
-versus
The Commissioner, Howrah Municipal
Corporation & Ors.**

**Mr. Anindya Bose,
Mr. Diptendu Mandal.
...For the Petitioner.**

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

**Mr. Arnab Mukherjee.
...For the Respondent No.10.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner seeks shifting of the public vat constructed in front of his premises.

The allegation of the petitioner is that the vat has been constructed by the private respondent no. 10, an Ashram.

The allegation of the petitioner is denied by the private respondent no.10. It has been submitted that the Ashram did not construct any vat as alleged or at all.

Learned advocate appearing for the Howrah Municipal Corporation has taken instruction from the concerned department and the instruction mentions that the vat is located at the said place and the garbage by hand cart are carried from the narrow lanes and dumped in the said vat for forward transportation.

The vat is regularly cleared and the same cannot be immediately removed unless a suitable place is identified for shifting the same.

The vat is located by the side of 20 ft. wide road where the big trucks/lorries could ply and collect the garbage of the entire locality.

It appears from the report forwarded by the concerned department of the Howrah Municipal Corporation that the place for shifting the vat at an alternative accommodation is yet to be identified.

Accordingly, there is no scope for passing any direction upon the Corporation to remove or shift the vat.

The only way the grievance of the petitioner can be redressed is to pass a direction upon the Corporation to ensure that the vat is regularly cleared so that no foul smell emanates from the said place and the garbage is removed in frequent periods several times a day. There should not be collection of filth and the vat should not act as breeding place of mosquitoes and other insects.

The concerned department of the Howrah Municipal Corporation is directed to take necessary

steps in the matter to redress the grievance of the petitioner.

The instruction forwarded by the Corporation and the supplementary affidavit filed by the petitioner in Court today are taken on record.

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.)