

Item No.69(ML)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.05.2023
Ct-24

WPA 9592 of 2022
Trilochan Das
v.
Howrah Municipal Corporation & Ors.

Mr. Souri Ghosal
Mr. Prabhat Kumar Singh
... for the petitioner.

Mr. Animesh Paul
... for the private respondent.

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

The petitioner complains of illegal and unauthorized construction at the instance of the private respondent at premises no. 100/1, Vivek Vill, Dharsha, Ward No. 48 under the jurisdiction of the Howrah Municipal Corporation.

The objection filed against such unauthorized construction is pending consideration.

Learned advocate representing the private respondent denies the allegation of the petitioner.

It is submitted that the structure in question is a very old one and was constructed sometime in the year 1969.

According to the private respondent the instant writ petition has been filed as a counter blast to the

earlier writ petition filed by the private respondent against the present petitioner.

It appears that the private respondent also lodged a complaint against the petitioner and an order was passed by the Court for consideration of the said complaint. The objection of the petitioner is, however, yet to be finally disposed of. A hearing was called for and the parties appeared along with the documents.

Spot inspection is yet to be made.

To ascertain the veracity of the allegation of unauthorized construction made by the petitioner, the Howrah Municipal Corporation is directed to cause a spot inspection upon prior notice to all the necessary parties.

A further hearing will be permitted by the authority to allow the parties to put forward their respective stands.

A reasoned order shall be passed and communicated to the parties thereafter. The entire exercise shall be concluded at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

It is made clear that this Court has not entered into the merits of the claim and counter claim of the parties.

The Howrah Municipal Corporation is restrained from entering into or deciding any private civil disputes in between the parties and the consideration shall be restricted only to the issue of unauthorized construction.

The learned advocate for the petitioner is directed to forward a copy of the representation dated April 13, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

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.

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(Amrita Sinha, J.)