

19.06.2023
Item No.7
PG/KS
Ct. No.1

W.P.A.(P) 244 of 2023

**Raju Dutta
VS**

The Howrah Municipal Corporation & Ors.

Mr. Kalyan Kumar Panda
Mr. Nirmalya Dhara
.....For the Petitioner
Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhon Majumder
.....For the Howrah Municipal
Corporation
Mr. Subhendu Roy Chowdhury
Mr. Debashree Brahma
Ms. Shila Chatterjee
.....For the Respondent No.9

1. By this public interest litigation, the petitioner has alleged that the private respondent namely, Gouri Shaw/respondent no.9 herein has put up illegal construction in a land alleged to be a water body.
2. Initially, it appears that the area in question falls within the jurisdiction of the Howrah Municipal Corporation and it is submitted by the learned Standing Counsel for the Corporation that at present the area falls within the jurisdiction of Bally Municipality.
3. Since, the Howrah Municipal Corporation had initially the jurisdiction of the land in question, it will be appropriate that the

representation is first considered by the Howrah Municipal Corporation and with their comments, the same should be forwarded to the Bally Municipality, who shall issue notice to the writ petitioner and the 9th respondent and, thereafter pass a speaking order on merits and in accordance with law within a period of three weeks from the date of receipt of the comments from the Howrah Municipal Corporation.

4. The Howrah Municipal Corporation is directed to forward their comments on the representation of the petitioner within a period of 10 days from the date of receipt of the server copy of this order.
5. The petitioner is directed to give advance copies of the representation along with the copy of this order to the Chairman of the Bally Municipality so as to enable the said Municipality to comply with the directions.
6. It is open to the Howrah Municipal Corporation as well as the Bally Municipality to inspect the property in question after notice to the 9th respondent before passing orders.
7. The learned advocate for the petitioner is granted liberty to implead the Bally Municipality as the 10th respondent and the

cause title of the writ petition be corrected during the course of the day.

8. With the above directions, the writ petition is disposed of.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(AJAY KUMAR GUPTA, J.)