

Item No.244

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

26.09.2023
Ct-24

WPA 12963 of 2023
Navin Kumar Singh

v.

State of West Bengal & Ors.

Mr. Sounak Mukherjee
Mr. Rachit Lakhmani
Mr. Swapan Nath
... for the petitioner.

Mr. Sanatan Panja
... for the State.

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

The petitioner complains of illegal and unauthorized construction at premises no. 38, Bijoy Kumar Mukherjee Lane, P.S.-Golabari, Salkia, Ward No. 15 under the Howrah Municipal Corporation.

Learned advocate representing the Howrah Municipal Corporation submits, upon instruction that, a spot inspection was conducted and unauthorized construction was detected. According to the Corporation the entire G+3 storied building has been constructed without any sanction at all. The person responsible is continuing with the unauthorized construction.

It has been submitted by the learned advocate representing the Corporation that notice has been issued to the persons responsible and September 29, 2023 (Friday) is the day fixed for hearing the parties.

None represents the private respondents.

As it appears from the submission made on behalf of the Corporation that unauthorized construction has been detected, accordingly, the Corporation is directed to take necessary steps to deal with such unauthorized construction in accordance with law.

The Howrah Municipal Corporation is directed to take all necessary steps in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order.

With the view to restrict further unauthorized construction, the Commissioner of Police, Howrah Police Commissionerate through the Officer-in-Charge, Golabari Police Station is directed to ensure that construction in any manner whatsoever is not carried out at the subject premises.

The police is directed to render all necessary help and assistance to the men and agents of the Howrah Municipal Corporation at the time of implementing the order of demolition, if passed.

The private respondents are restrained from creating any third party rights/transferring/alienating any portion of the subject structure.

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.)