

18 26.06.2023
RP Ct. No. 01
AN

WPA (P) 292 of 2023

Smt. Minakshi Patra
Vs.
The Howrah Municipal Corporation & ors.

Mr. H. D. Banerjee
Mr. Amitava Pain
Mr. P. P. Mukherjee
Ms. Saheli Biswas

... For the petitioner

Mr. L. M. Mahata, Id. A.G.P.
Md. Ziaul Haque

... For the State

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Ralhan Ahmed
Mr. Rudranil Das

... For the respondent nos. 7 & 9

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobham Majumder

... For the H.M.C.

1. By way of this writ petition filed as a Public Interest Litigation, the writ petitioner alleges that the private respondents have put up unauthorized and illegal construction in blatant violation of sanctioned building plan.

2. Learned counsel for the 7th respondent raises a preliminary objection to the maintainability of the writ petition stating that the petitioner also is a co-sharer of the property. Even assuming that the petitioner is a co-sharer, it is for the Municipality to consider whether the unauthorized illegal construction or construction made in violation of the sanctioned plan for which purpose no

complaint is necessary as the Municipality has got suo motu powers to inspect any property at any time for the property owner to produce copy of the sanctioned plan and measure the property and, if any unauthorized construction is found, orders can be issued for demolition of such unauthorized construction without going into the merits of the allegations made by the petitioner, we would direct the appropriate authority of the Howrah Municipal Corporation to inspect the property in question after giving notice to the petitioner and the respondent nos. 6, 7, 8 and 9, measure the property and examine as to whether any unauthorized and illegal construction made and thereafter proceed in accordance with law. This direction shall be complied with within a period of eight weeks from the date of receipt of the server copy of this order.

3. With the above directions, the instant writ petition stands **disposed of**.

(T. S. Sivagnanam)
Chief Justice

(Ajay Kumar Gupta, J.)