

15.03.2023
Item No. 65
AGM

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

WPA 22608 of 2022

**Rehana Khatoon
Vs
The Howrah Municipal Corporation & Ors**

**Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. R. Ahmed,
...For the Petitioner.**

**Mr. Sandipan Baneerjee,
Mr. Ankit Sureka,
...For HMC.**

**Mr. Wasim Ahmed,
Mr. Aritra Ghosh, ... For the State.**

**Mr. Pawan Kumar Gupta,
... for the respondent no. 6.**

The petitioner alleges illegal and unauthorised construction of additional floors at the instance of the private respondent at 240, Bellilious Road, Post Office and District – Howrah, Ward No. 20.

The complaint lodged by the petitioner before the Howrah Municipal Corporation is pending consideration till date.

Learned advocate representing the private respondent submits that there is a plan sanctioned for construction of two storied building at the subject premises.

The private respondent denies construction of additional floors.

Learned advocate representing the Howrah Municipal Corporation is yet to receive instruction in the matter.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no.1 being Howrah Municipal Corporation to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of three months from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated June 30th July, 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.

(Amrita Sinha, J.)