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16.11.2023
d.p.

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

W.P.A 15598 of 2023

**Sri Raju Das & Anr.
-versus
Howrah Municipal Corporation & Ors.**

**Mr. Animesh Das.
...For the Petitioners.**

**Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder.
...For HMC.**

**Mr. Siddhartha Banerjee,
Mr. Ayan Kumar Boral,
Ms. Saswati Sengupta.
...For the Private Respondents.**

**Mr. Pankaj Halder,
Mr. Subhajit Chowdhury.
...For the State.**

The Howrah Municipal Corporation seeks extension of time for filing the report.

It appears that the petitioners allege illegal and unauthorized construction at the instance of the private respondents.

The allegation is denied by the private respondents and it has been submitted that the construction was made after obtaining approval from the thika controller. The Howrah Municipal Corporation has accepted retention fees and has regularized the structure in question. The structure

has thereafter, been mutated and assessed by the Howrah Municipal Corporation.

Learned advocate appearing for the Corporation submits, upon instructions that, the subject property was inspected by the concerned officer and the inspection report is awaited.

The Court is of the opinion that as the matter has to be decided by the Howrah Municipal Corporation, as such, no useful purpose will be served by keeping the writ petition pending.

The Commissioner, Howrah Municipal Corporation or his delegate is directed to consider the entire issue after scrutinizing the materials on record and after giving reasonable opportunity of hearing to all the necessary parties and take a decision apropos the representation filed on behalf of the petitioners alleging illegal and unauthorized construction.

Decision shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. A reasoned order shall be passed and communicated to all the parties.

The parties will be at liberty to rely upon all documents in support of their stand at the time of hearing.

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.)