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Ct No 2023
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AGM

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

WPA 18203 of 2022

**Bithika Basu & Anr.
Vs
The Howrah Municipal Corporation & Ors.**

Mr. Rudra Deb Chowdhury
Mr. S. Mukherjee,
Mr. Subhankar Chatterjee
... For the Petitioners.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumdar ...For the HMC.

Mr. Sourav Mondal
Mr. S. Sarkar
... For the respondent no. 4.

The petitioners complain of illegal and unauthorised construction at 221, Sarat Chatterjee Road, Howrah under Ward No. 38, Borough – VI of the Howrah Municipal Corporation.

The petitioners submit that construction has been made in deviation of the plan sanctioned by the Howrah Municipal Corporation. Despite objection filed before the Corporation, steps have not been taken to deal with such unauthorised construction.

Learned advocate representing the respondent no. 4, the developer of the property, admits that construction has been made in deviation of the plan sanctioned.

As the person responsible for making construction has already admitted raising unauthorised construction,

accordingly, the respondent no. 2, being the Municipal Commissioner or his delegate is directed to cause spot inspection upon prior notice to all the parties to ascertain the nature and extent of unauthorised construction and take necessary steps in accordance with law to deal with the same.

An opportunity of hearing shall be given to all the necessary parties prior to passing the final order in the matter.

The aforesaid respondent shall ensure that the unauthorised construction is dealt with appropriately in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The private respondent is restrained from creating any third party interest in respect of the disputed construction.

In the event, the Corporation is not able to serve all the occupiers of the subject premises, then it will be open for the Howrah Municipal Corporation to affix the notice of hearing at conspicuous places in and around the subject structure, and the same will be treated as sufficient notice upon all concerned.

The petitioner is directed to forward a copy of the legal representation dated 30th April, 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.)