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20.09.2023  
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**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A 18227 of 2023**

**Bankey Lal Jaiswal  
-versus  
The State of West Bengal & Ors.**

**Mr. Sarbananda Sanyal.  
...For the Petitioner.**

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

**Mr. Arup Kumar Mandal,  
Mr. Supriya Majumder.  
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

As none represented Howrah Municipal Corporation in the instant matter, the Court requested Mr. Sandipan Banerjee, learned advocate who usually represents Howrah Municipal Corporation, to defend the authority. The Corporation is directed to regularize his engagement.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent, Salkia Vivekananda Sporting Club at holding nos. 310, 311 and 312. G.T. Road (North),

Salkia, P.S.-Narkeldanga, Ward No.VI under Howrah Municipal Corporation.

On receipt of the objection, the Corporation issued a stop work notice in August 2022 and thereafter directed the parties to appear in a hearing on 31<sup>st</sup> August, 2022.

The petitioner submits that final order is yet to be passed by the Corporation. In the meantime, the private respondent is merrily continuing with the unauthorized construction. Because of the same, the structure standing at the adjacent plot is being damaged.

The petitioner filed repeated representations but the same is yet to be disposed of.

As it appears that the Corporation has already issued a stop work notice, the Corporation is directed to proceed with the matter in accordance with law upon consideration of the objection filed by the petitioner.

The writ petition is accordingly disposed of by directing the respondent no.4 being the Assistant Engineer 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.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

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 11<sup>th</sup> November, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The report filed by the Malipanchghora Police Station signed on 18<sup>th</sup> September, 2023 be retained with the records.

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.)