

19.04.2023
(S/L-18)
Ct.-24
(Susanta)

W.P.A. 18945 of 2022

Sri Bireswar Ghosh
-Vs-
The State of West Bengal & Ors.

Mr. Biplab Ranjan Bose,
.... For the Petitioner.

Mr. Sandipan Banerjee,
Mr. Ankit Surekha,
Mr. Sobhan Majumder,
.... For the Howrah Municipal Corporation.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Mr. Suman Banerjee,
.... For the Respondent No.8.

Ms. Sonal Sinha,
.... For the State.

The Howrah Municipal Corporation has forwarded a report before this Court wherefrom it appears that there is deviation in reconstruction made from the ground floor to the 2nd floor and two upper floors i.e. the 3rd and the 4th floor have been constructed without any sanctioned plan.

By order dated 3rd April, 2023, the Court directed the Commissioner of Howrah Police Commissionerate to keep strict vigil over the property to ensure that construction in any manner whatsoever is not carried out at the subject premises.

Learned Counsel for the petitioner submits that, despite the order being brought to the knowledge of the Commissioner of Police, no steps have been taken to maintain vigil over the property and the private respondent is merely continuing with the construction work.

The aforesaid allegation is, however, denied by the learned Counsel representing the private respondent.

The learned Counsel representing the police authority is not ready with any instruction as to whether the construction work has been stopped or not.

The Howrah Municipal Corporation has already conducted inspection of the unauthorized construction.

Learned Counsel representing the private respondent submits that the petitioner is also guilty of making unauthorized construction.

The writ petition is a counter-blast of the writ petition filed by the private respondent alleging unauthorized construction at the behest of the petitioner herein.

The Howrah Municipal Corporation is directed to take prompt and necessary steps to deal with the unauthorized construction at holding no.33/2, Kailash Bose Lane, Ward No. 28 in accordance with law after giving reasonable

opportunity of hearing to all necessary parties and conclude the proceeding at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The Commissioner of Police, Howrah Police Commissionerate is directed to continue with the vigil to ensure that no construction is carried out at the subject premises till the matter is finally decided by the Howrah Municipal Corporation. If required, the Police Commissioner may place a police picket in front of the subject premises to prevent further unauthorized construction.

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.)