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Ct No 2023
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AGM

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

WPA 19301 of 2022

**Narendra Kumar Singh
Vs
The Howrah Municipal Corporation & Ors.**

Mr. Bidyut Kumar Halder
Mr. Indranil Halder
Ms. Srabanti Das

... For the Petitioner.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumdar

...For the HMC.

Mr. Sunny Nandy
Mr. Subasis Chakraborty
Mr. Amit Chowdhury
Ms. Sushmita Kumar Singh

... For the respondent nos. 5 & 6.

The petitioner complains of illegal and unauthorised construction at the instance of the respondent nos. 5 and 6. It has been submitted that the private respondents have raised additional floors without obtaining any sanction from the HMC.

Objection filed against such unauthorised construction is pending consideration till date.

Learned advocate representing the private respondents denies the allegation of the petitioner. It has been submitted that construction has been made in accordance with plan sanctioned.

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. 2, the Commissioner, HMC or his delegate 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.

The learned advocate for the petitioner is directed to forward a copy of the representation dated 25th 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.)