

Item No.20

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

28.03.2023
Ct-24

WPA 20413 of 2022
Bholanath Mahindar

v.

Howrah Municipal Corporation & Ors.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumder
... for HMC.

None appears on behalf of the petitioner at the time of call.

Learned advocate for the Howrah Municipal Corporation is present.

It has been submitted by the learned advocate representing the Corporation that neither copy of the writ petition nor the notice of upgradation was served upon the respondents.

It appears that the writ petition was filed in September 2022 with the allegation of unauthorized construction at premises no. 12A, Raju Kapali Lane. It appears that an objection was filed before the Chairman and the Assistant Engineer, Borough-V, Howrah Municipal Corporation in February 2017 alleging unauthorized construction. Thereafter, an application under Section 144(2) Cr.P.C. was filed before the 1st Court of Executive Magistrate, Howrah Sadar.

There is nothing on record to suggest that from 2017 till date of filing the writ petition, the petitioner

took any steps to ventilate his grievances before the Corporation.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioner to make appropriate application before the Howrah Municipal Corporation in the event there is any unauthorized construction at the subject premises.

The writ petition stands disposed of.

It is, however, made clear that it will be open for the Howrah Municipal Corporation to take suo motu steps in respect of any offending structure at the subject premises in accordance with law upon prior notice to all the parties.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)