

Item No.236(ml)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

01.02.2023
Ct-24

WPA 21318 of 2021
Sri Shyamal Das & Ors.

v.

Howrah Municipal Corporation & Ors.

Mr. Animesh Das
...for the petitioners.

Mr. Susanta Pal
... for the State.

Mr. Tanmoy Mukherjee
Mr. Rudranil Das
... for the respondent no. 8.

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

The petitioners allege that the private respondents are making illegal and unauthorized construction without a sanctioned plan at holding no. 12/2, Balai Mistri Lane, Ward No. 38, Howrah Municipal Corporation.

The petitioners allege that the construction is totally blocking the light and air of their residential building.

Learned advocate representing the private respondent no. 8 submits, upon instruction that, the construction is being made in accordance with the building plan being BR-13 dated April 13, 2021 sanctioned by Borough-VI of the Howrah Municipal Corporation.

The allegation of the petitioners that the construction is being made without a sanctioned plan appears to be incorrect.

In view of the above, no relief can be granted to the petitioners in the instant writ petition.

The writ petition fails and is hereby dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioners to approach the competent authority if the construction is being made in deviation of the sanctioned plan or any violation of the municipal building rules.

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

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.)