

Item No.18

15.12.2023
Ct-24
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20621 of 2023

Sri Prasanta Kumar Ghosh & Anr.
v.
The State of West Bengal & Ors.

Mr. Sanjib Seth
... for the petitioner.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumdar
... For the HMC.

Mr. Ranajit Chatterjee
Ms. Mousumi Banerjee
... For the State.

Mr. Manas Kumar Ghosh
Ms. Susmita Dey
... For the respondent no. 8.

The matter relates to certain unauthorized construction at 21/1, Kedar Nath Mukherjee Lane, Ward-23, under the Howrah Municipal Corporation.

The petitioner complains of illegal and unauthorised construction over a thika property without obtaining any 'No Objection' from the Controller of Thika Tenancy. The mandatory side open spaces have also not been maintained at the time of making construction.

Learned advocate for the private respondent submits, upon instruction that, the construction is going on in accordance with the sanctioned plan. The plan in question was sanctioned in the month of July 2023 for construction of G+2 storied structure.

Affidavit-of-service filed in Court today be kept with the records.

Learned advocate representing the Howrah Municipal Corporation has produced the instruction forwarded by the OSD, Borough-IV, signed on 12th December, 2023, which mentions that spot inspection was conducted to ascertain the allegation of unauthorised construction. It was found that the private respondent has constructed tie beams at the ground level and rods for pillars are erected and minor deviation from the sanction plan was detected. The construction work has been suspended. As the super structure has not been erected as yet and only tie beams have been made, at such an early stage, the issue of deviation is impossible to be detected.

Upon perusal of the instruction forwarded by the Corporation, it appears that the construction is at a very preliminary level. The Corporation is directed to keep strict vigil to ensure that no unauthorized construction takes place at the subject premises.

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.)