

Item No.19

15.12.2023
Ct-24
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20686 of 2023

Mumtaz Ahmed
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. Gourab Das
Mr. Hemanta Kumar Das
... For the State.

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents.

The petitioner claims to be a tenant of the holding no. (old) 48, Jolapara Masjid Lane presently, 43/6, Jolapara Masjid Lane.

The petitioner claims that it is a thika property and construction has been made without obtaining any proper sanction and without leaving the mandatory side open spaces.

Learned advocate representing the HMC submits that the objection filed by the petitioner against the unauthorised construction is absolutely vague and the illegalities in making construction cannot be ascertained.

It appears from the submission made on behalf of the parties and upon perusal of the materials on record that the representation filed by the petitioner does not disclose the details of the alleged unauthorised construction.

A report has been filed by the Officer-in-Charge, Howrah P.S. wherefrom it appears that the police conducted a spot inspection and found that some construction is going on over an empty land.

There is nothing on record from the report of the police whether the construction has gone up to any extent or not. It appears that the construction is yet to be made to such an extent that the illegality can be detected.

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

As and when illegalities are detected, it will be open for the petitioner to file appropriate objection highlighting the illegalities.

It will be open for the HMC to keep strict vigil to ensure that the unauthorised construction does not take 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.)