

Item No.23

15.12.2023
Ct-24
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 21044 of 2023

Rahul Singh

v.

The Howrah Municipal Corporation & Ors.

Mr. Phiroze Edulzi
Ms. Amamika Pandey
Ms. Kaustari Mukherjee
Ms. Pallovi Priyadarsee
... for the petitioner.

Mr. Manuwar Ali
Mr. Biman Halder
... For the respondent nos. 5 to 7.

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

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents at holding no. 428, G. T. Road, P.S. Shibpur under the jurisdiction of HMC.

Allegation is that additional floors have been constructed over and above the sanctioned G+2 storied structure.

Complaint lodged against the unauthorised construction is pending consideration till date.

None represents the private respondents.

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

Learned advocate for the HMC submits that in response to the complaint filed by the petitioner, opportunity of hearing was granted. The private respondents defaulted in appearing before the Corporation on two occasions but lastly appeared on 30th September, 2023 and admitted that two additional floors have been constructed without any sanction.

It appears from the submission made on behalf of the parties that the Corporation has already taken steps in response to the complaint lodged by the petitioner.

The Corporation is, accordingly, directed to conclude the proceeding to deal with the unauthorised construction at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The Corporation is directed to ensure that no unauthorised construction is made at the subject premises.

The private respondents are restrained from transferring/alienating or creating any third party right in respect of the structure constructed unauthorisedly.

Report filed by the Inspector-in-Charge, Shibpur Police Station be retained with the records.

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.)