

Item No. 37

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.11.2023
Ct-24

WPA 21601 of 2023
Smt. Mitali Chongdar

v.

The Howrah Municipal Corporation & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K. Raihan Ahmed
Mr. Rudranil Das
... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Ziaul Haque
... for the State.

Mr. Joy Chakraborty
Mr. Sandip Dinda
... for the respondent no. 6.

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

The petitioner complains of illegal and unauthorized construction over holding no. 21/3/B, Umesh Banerjee Lane, P.O. & P.S.-Shibpur under Borough-IV of the Howrah Municipal Corporation.

Objection against such unauthorized construction was filed before the Corporation on August 19, 2023 and on August 26, 2023.

Allegation is that construction is being made over the boundary wall of the existing one storey structure without leaving the mandatory side open spaces and without obtaining any sanction from the Corporation.

Learned advocate representing the Howrah Municipal Corporation submits that a spot inspection was conducted and opportunity of hearing was also granted to the parties. The person responsible for making construction failed to produce any sanction plan in support of the construction made. Final order is, however, yet to be passed.

As it appears from the submissions made on behalf of the parties and upon perusal of the materials on record that inspection and hearing was conducted nearly two months back and there is allegation that construction is being made at a very fast pace, accordingly, the concerned engineer of the Howrah Municipal Corporation is directed to cause spot inspection to ascertain the nature and extent of unauthorized construction at the earliest but positively by December 8, 2023.

Report of spot inspection shall be circulated amongst the parties and thereafter an opportunity of hearing be granted to the parties. Final order shall be passed in the matter at the earliest but positively by two months from the date of forwarding the inspection report. If any unauthorized construction is detected, then steps shall be taken to deal with the same in accordance with law.

The Howrah Municipal Corporation is, however, restrained from entering into or deciding any private dispute between the parties.

The Howrah Municipal Corporation shall ensure that unauthorized construction in any manner whatsoever is not carried out at the subject premises till the matter is finally decided by the Corporation.

The writ petition stands disposed of.

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.)