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Ct 2023
No24
AGM

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 22598 of 2022

**Sri Ujjwal Kumar Das Chakraborty
Vs
The State of West Bengal & Ors.**

Mr. Shehnaz Tareq Mina
Ms. Priyanka Das
Mr. Pratick Sardar

... For the Petitioner.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumdar

... For the HMC.

Mr. Sourav Koley

... For the respondent no. 6.

The petitioner complains of illegal and unauthorised construction in respect of premises no. 101/2, Laxmi Narayantola Road, Ward No. 38 under jurisdiction of Howrah Municipal Corporation.

According to the petitioner, construction is being made without any sanctioned plan. In support of the aforesaid contention, the petitioner relies upon a communication made under the Right to Information Act, 2005 dated 23.06.2022 issued by the HMC that no plan was sanctioned from the Borough Officer as per the available record.

The petitioner submits that objection was filed against such unauthorised construction and alleges that the same has not been taken up for consideration till date.

Learned advocate representing the private respondent submits, upon instruction that, the present writ petition is a counter blast of the earlier proceeding initiated by the private respondent challenging the unauthorised construction made by the petitioner herein.

It has been submitted that the private respondent made the constriction in the year 1998 pursuant to the plan sanctioned by the Corporation.

As there were certain deviations, BMR case was initiated by the Corporation in the year 1998 and the Corporation thereafter regularised the deviation(s) upon acceptance of fine.

Copy of the order passed by the HMC on 08.03.2001 along with the money receipt issued by the HMC showing payment of fine dated 17th April, 2002 and the bill for property tax/service charge issued by the HMC dated 4th April, 2022 have been produced in Court.

From the submissions made on behalf of both the parties and upon perusal of materials on record, the allegation of the petitioner regarding unauthorised construction remains unsubstantiated.

It appears that the construction in question stood regularised by the Corporation long back.

In view of the above, no relief can be granted to the petitioner in this case.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)