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WPA/22771/2022
JAYANTA SAHA CHOWDHURY
VS
STATE OF WEST BENGAL AND ORS.

Mr. Subhasish Pachhal
..for the Petitioner.

Mr. Sandipan Banerjee,
Mr. Santanu Chatterjee
..for the Respondent Nos.3 to 6.

Mr. Debjit Mukherjee,
Mr. Sreyash Kumar Singh
..for the Respondent No.12.

Affidavit of service filed by the petitioner is taken on record.

The petitioner complains that massive illegal and unauthorised construction is made at the instance of the private respondents at 90+91+92+93, Matrumal Lohia Lane (old Bazol Para Lane), Ward No.4, P.O.- Salkia, P.S.- Malipanchghara under jurisdiction of Howrah Municipal Corporation.

The petitioner complains that at the time when objection was filed before the Howrah Municipal Corporation, the construction was at a very preliminary stage. Presently, the construction has gone up to G+7 stories.

Learned Advocate representing the private respondent no.12 denies the submission of the petitioner.

It appears from the representation filed by the

petitioner annexed to the writ petition that the detail of the unauthorised construction is not clearly mentioned.

Accordingly, leave is granted to the petitioner to file appropriate application highlighting illegalities committed at the time of making the construction.

In the event such a representation is filed before the Corporation, the same shall be taken up for consideration and decided in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. A spot inspection shall be conducted upon prior notice to all the parties to ascertain the allegation made in the representation to be filed by the petitioner.

In the event it transpires that there has been any unauthorised construction, the same shall be dealt with in accordance with law within a period of twelve weeks from the date of filing the representation.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

If the notice of hearing cannot be served upon all the necessary parties or if the persons responsible for making construction avoid service of notice, it will be open for the Howrah Municipal Corporation to affix the notice of hearing at conspicuous places of the disputed structure. The same shall be sufficient notice to all the necessary parties.

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.)