

Item No.19

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

17.01.2023
Ct-24

WPA 25524 of 2022
Somnath Maity

v.

The Howrah Municipal Corporation & Ors.

Mr. A. Singh
Mr. D. Abbasi
... for the petitioner.

Mr. D. Mukherjee
Mr. S.K. Singh
... for the respondent nos. 4 & 5.

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

The petitioner complains that the private respondents made unauthorized construction at 70A/2, Asutosh Mukherjee Lane, Howrah- 711106, Borough-2 under the jurisdiction of the Howrah Municipal Corporation.

The petitioner complains that the statutory side open spaces have not been maintained at the time of making the construction.

Though, it is the further submission that construction has been made without proper sanctioned plan and assuming there is a sanctioned plan, construction has been made without renewing the said plan.

The aforesaid allegation is denied by the learned advocate representing the private respondents.

It has been submitted that the plan in question was sanctioned in the year 2021 and the same is valid till 2026.

Whether the construction has been made in accordance with the plan sanctioned or not is to be ascertained by the engineer of the Howrah Municipal Corporation.

Accordingly, the present writ petition is disposed of by directing the respondent no. 2 or his delegate to cause a spot inspection of the subject premises upon prior notice to the petitioner as well as the private respondents.

Report of spot inspection shall be forwarded to all the parties.

A hearing shall be conducted whether the parties shall be permitted to appear and defend their cases and the parties shall be permitted to make submission on the basis of the spot inspection report.

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

In the event, it transpires that there has been any construction in deviation of the plan or without the proper sanction, then necessary steps shall be taken by the aforesaid respondent to deal with such unauthorized construction in accordance with law.

The aforesaid respondent shall not decide any private disputes including encroachment of private land in between the parties.

The aforesaid exercise shall be conducted at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

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.

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(Amrita Sinha, J.)