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02.01.2023
d.p.

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

W.P.A. 25561 of 2022

**Sri Raakesh Rathore
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Biplab Ranjan Bose.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder.
...For HMC.**

**Mr. Rajarshi Basu,
Mr. K.M. Hossain.
...For the State.**

**Ms. Shebatee Datta,
Ms. Babita Dey.
...For the Respondent
Nos. 6 to 8.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner complains of illegal and unauthorized construction at premises no. 112, G.T. Road, P.S.-Golabari within the jurisdiction of the Howrah Municipal Corporation.

The petitioner complains that the objection filed before the Howrah Municipal Corporation in August 2022 has not been disposed of till date.

Learned advocate appearing for the private respondents submits, upon instructions, that the construction is being made on the basis of the plan sanctioned by the Howrah Municipal Corporation in favour of the predecessor-in-interest of the private respondents and the same is valid till 2025.

An application was made by the private respondents seeking permission to raise construction on the basis of the aforesaid sanctioned plan.

Learned advocate appearing for the Howrah Municipal Corporation submits that a plan was sanctioned for making construction at premises no. 112, G.T. Road.

The objection filed by the petitioner mentions that the construction is being carried on without maintaining the statutory side open spaces.

Accordingly, the respondent No.4 being the Assistant Engineer, Borough-II is directed to conduct a spot inspection upon prior notice to the petitioner as well as the private respondents to ascertain as to whether the statutory side open spaces have been maintained at the time of making construction or not.

Inspection report shall be circulated amongst the parties.

In the event it transpires that the statutory side open spaces have been infringed at the time of making construction, then necessary steps shall be taken to deal with the same in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties.

The entire exercise shall be conducted within a period of twelve weeks from the date of communication of a copy of this order.

Leave is granted to the learned advocate-on-record of the petitioner to file the affidavit-of-service in course of the day.

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.)