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

W.P.A 25587 of 2022

**Sri Ajit Pandey
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Animesh Paul.
...For the Petitioner.**

**Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. Rudranil Das.
...For the Respondent
Nos. 5 to 8.**

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

The petitioner complains that the private respondents have raised G+4 storied building at premises no. 40/1, Bhattacharjee Para Lane, P.S.- Shibpur, District-Howrah without obtaining any sanction at all.

The aforesaid submission of the petitioner is denied by the learned advocate appearing for the private respondents.

It has been submitted that initially sanction was obtained for construction of G+2 storied building and thereafter sanction was obtained for construction of two additional floors i.e. G+4 storied building.

Learned advocate appearing for the Howrah Municipal Corporation has received instruction that sanction has been granted for construction of G+2 storied building but the learned advocate is unaware as to whether the additional two floors were sanctioned or not.

Without proper ascertainment of facts from the records of the Howrah Municipal Corporation, it will not be possible to decide as to whether the construction has been made in accordance with the plan sanctioned.

Accordingly, the respondent No.2 being the Municipal Commissioner, Howrah Municipal Corporation or his delegate is directed to enquire as to whether the construction at the subject premises had been made in accordance with the plan sanctioned or not.

A spot inspection shall be conducted upon prior notice to the parties and the report of spot inspection be served upon all the parties. An opportunity of hearing shall be given to the parties and a final order be passed.

If it ultimately transpires that there is any construction made unauthorizedly, then necessary steps shall be taken by the Corporation to deal with the same, in accordance with law.

The aforesaid exercise shall be concluded 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.

(Amrita Sinha, J.)