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24.01.2023
d.p.

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

W.P.A 27482 of 2022

**Santosh Kumar Singh & Anr.
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Randhir Singh,
Mr. Sunny Nandy,
Ms. Manisha Soni.
...For the Petitioners.**

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

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

**Mr. Subhendu Roy Choudhury,
Ms. Rama Chakraborty,
Mr. Sandip Dinda.
...For the Respondent
Nos. 10, 11, and 12.**

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

Leave is granted to the learned advocate-on-record of the petitioners to correct the description of the respondent No.2 in the cause title of the writ petition.

The petitioners complain of illegal and unauthorized construction at premises no. 252/2/1, Panchanantala Road under the jurisdiction of the Howrah Municipal Corporation.

The petitioners complain that the private respondents are making construction of G+4 storied structure by obtaining sanction plan for construction of G+2 storied structure.

Further allegation of the petitioners is that the construction is being made in deviation of the plan sanctioned without leaving the mandatory side open spaces.

The petitioners complain that the objection filed before the Howrah Municipal Corporation is yet to be considered. The private respondents, after receiving copy of the writ petition, are continuing with the unauthorized construction at a war footing.

Learned advocate appearing for the private respondents responsible for making construction submits that, application has been made before the Howrah Municipal Corporation seeking regularization of the unauthorized portions.

Learned advocate appearing for the Howrah Municipal Corporation submits, upon instructions, that the private respondents are guilty of making unauthorized construction of two additional floors without obtaining sanction from the Corporation.

It appears from the submissions made on behalf of all the parties that indeed there has been massive unauthorized construction without obtaining any permission from the Howrah Municipal Corporation.

The representation filed before the Corporation in October 2022 is yet to be considered. As the

Corporation did not take necessary steps to stop the unauthorized construction, the private respondents are merrily continuing with the unauthorized construction at a very fast pace.

Accordingly, the respondent No.2 being the Municipal Commissioner, Howrah Municipal Corporation or his delegate is directed to take prompt necessary steps to deal with the unauthorized construction at the subject premises in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

In the event the aforesaid respondent is of the considered opinion that construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

As it has been admitted by the Howrah Municipal Corporation that there has been massive unauthorized construction, accordingly, the Commissioner of Howrah Police Commissionerate being the respondent No.7 herein along with Inspector-in-Charge, Howrah Police Station being the respondent No.9 herein are directed to take prompt necessary steps to ensure that no construction is carried out at the subject premises until

the matter is finally decided by the Howrah Municipal Corporation.

The Commissioner, Howrah Municipal Corporation or his delegate is also directed to take necessary steps to stop all unauthorized construction at the subject premises forthwith.

The petitioners are directed to forward a copy of the representation dated 12th October, 2022 to the aforesaid respondents at the time of communicating the order of the Court.

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.)