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03.01.2024
d.p.

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

W.P.A 24803 of 2023

**Tarun Kanti Maiti
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Souri Ghosal,
Mr. Subhojit Mukherjee.
...For the Petitioner.**

**Mr. Debayan Roy,
Mr. Dytiman Banerjee.
...For the Private Respondent.**

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

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

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent no. 4.

The petitioner and the private respondent are siblings. The property in question was partitioned. The private respondent without obtaining any sanction plan started raising construction.

Complaint was lodged by the petitioner before the Howrah Municipal Corporation in June 2023 with repeated reminders.

It has been submitted by the learned advocate appearing for the petitioner that hearing was conducted by the Corporation but final order is yet to be passed.

Learned advocate appearing for the private respondent admits that sanction is yet to be granted by the Corporation though the application for obtaining sanction was filed before the Corporation on 23rd September, 2023.

It appears from the submissions made on behalf of the parties that admittedly construction has been made without obtaining sanction from the Corporation. The same is impermissible in law.

In view of the above, the Commissioner, Howrah Municipal Corporation or his delegate is directed to take necessary steps to deal with the unauthorized construction in accordance with law 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.)