

29-04-2024
Item No.88 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.25016 of 2023

Sri Anjan Nandy

-vs-

The Howrah Municipal Corporation & Ors.

Mr. Sayam Sinha
Mr. Soham Kumar ...for the petitioner

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumder ...for the Corporation

The petitioner prays for a direction upon the Howrah Municipal Corporation for consideration of a representation filed seeking cancellation of the building plan which was obtained upon collusion, conspiracy and suppression of material facts in accordance with section 175B of the Howrah Municipal Corporation Act, 1980 and rule 20 of the Kolkata Municipal Corporation Rules, 2009 applicable within the jurisdiction of the Howrah Municipal Corporation.

Affidavit of service filed is taken on record. None represents the private respondents.

In view of the order that I propose to pass, none of the non-appearing respondents would be prejudiced if the writ petition is disposed of in the following manner.

As it appears that the complaint is pending consideration before the Corporation, accordingly the instant writ petition is disposed of by directing the third respondent – the Commissioner, Howrah Municipal Corporation – to consider and dispose of the petitioner's

representation dated July 15, 2023 (Annexure P13, p.98) strictly in accordance with law by giving a reasoned decision, after giving an opportunity of hearing to all the necessary parties, including the petitioner, within a period of four months from the date of communication of a copy of this order. The reasoned decision once passed shall be communicated to all the necessary parties, including the petitioner forthwith.

It is made clear that this court has not entered into the merits of the complaint lodged by the petitioner and that all points are left open before the aforesaid respondents at the time of consideration of the petitioner's representation.

Learned advocate shall forward a copy of the complaint dated July 15, 2023 to the aforesaid respondent at the time of communicating this order.

The writ petition is disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

