

29.07.2024
Sl. No.28
Ct. No.15
S.A.

WPA 25522 of 2023

Sarat Sengupta & Ors.
-vs-
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee
Mr. Debayan Roy
...for the petitioners

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhon Majumder
Ms. Shetparna Roy
...for Howrah Municipal Corporation
Mr. Ayan Banerjee
Mr. Suman Banerjee
...for respondent nos.12 and 13

The petitioners allege that the owners of their adjacent plot (respondent nos.12 and 13) at 87/A, Morari Road, P.S. Jagacha, Howrah-711112, have undertaken a construction without any permission from Howrah Municipal Corporation. It has been further alleged that the said construction is being raised without maintaining any mandatory side open space.

Mr. Ayan Banerjee, learned advocate appearing for respondent nos.12 and 13, conversely, submits that the relevant construction has been undertaken only after obtaining a sanctioned plan from Howrah Municipal Corporation for a G+3 building.

The Corporation submits that, regarding the unauthorised construction, no representation has

been submitted before the appropriate authority by the writ petitioners.

It appears that the Corporation has already issued a notice dated September 15, 2023, under Section 177(1) of Howrah Municipal Corporation Act, 1980 against the respondent nos.12 and 13.

In that view of the matter, this writ petition need not be kept pending.

Accordingly, I dispose of this writ petition with a direction upon the Assistant Engineer, Borough-VII of the Howrah Municipal Corporation to conclude the said proceedings within a period of one month from the date of communication of this order after giving an opportunity of hearing to the all concerned within a period of six weeks from the date of communication of this order.

Accordingly, **WPA 25522 of 2023** is disposed of.

(Kausik Chanda, J.)