

27.03.2025
Sl. No. 60
Ct No. 3
SG

WPA 3044 of 2025

**Kishori Lal Jaiswal
Vs
Howrah Municipal Corporation & Ors.**

Mr. Prasenjit Barman,
Ms. Payal Koley,
Mr. Swapnesh Mallik.
...for the petitioner

Ms. Sonal Sinha,
Mr. Ankit Sureka.
...for HMC

Ms. Sabnam De Bardhan,
Ms. Kakali Naskar.
...for the State

1. Affidavit-of-service is taken on record.
2. The Petitioner has preferred the present writ petition alleging unauthorized construction at Holding No. 41, Hamiduddin Munshi Lane, Ward No. 20 OF Howrah Municipal Corporation, Dist. Howrah.
3. It is the case of the petitioner that he is a Sub-Lessee/ Tenant in a portion of the said premises in terms of the deed of Sub-Lease executed on 22.04.2022 by Kalipada Karmakar, against payment of a lump sum amount. The said instrument was executed in respect of 08 Chittaks 20 square feet land with Tile shed structure standing thereon out of the total land of 01 Cottah 40 square feet land comprised in the said premises. He further submits that private

respondent no. 6 has allegedly purchased a same plot of land from the owners of the said premises, namely Sachin Karmakar and Kalipada Karmakar, respectively, by virtue of a Deed of Conveyance, executed on 28.05.2024 and duly registered in the office of the Additional District Sub-Registrar at Howrah in Book No. I, Volume No. 0502 of 2024 Pages from 177043 to 177065, Being No. 050205634 for the year 2024 but the fact is that the petitioner is in possession of a major portion of the said premises since 22.04.2024. The respondent no. 6 has recently forcefully started construction of a multi-storied building on the said premises without obtaining any sanction building permit from Howrah Municipal Corporation.

4. Learned Counsel for the petitioner further contended that he had made a representation dated 22.01.2025 before Howrah Municipality, the Commissioner and other concerned officers. But till date he has not heard anything from the respondent-Municipality nor any action has been taken on his representation.

5. Learned Counsel for the Howrah Municipality Corporation states that they are ready and willing to decide petitioner's representation dated 22.01.2025.

6. In view of the statement made by the learned Counsel for the respondent-municipality, learned counsel for the petitioner states that his client shall be satisfied if his representation is decided in a time bound manner.

7. In view of the statement made by the learned Counsel for the respondent-Municipality, this Court directs the Corporation to decide petitioner's representation dated 22.01.2025 within a period of eight weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioner as well as the private respondents.

8. With the above direction, the present writ petition is disposed of.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)