

08.07.2025
Sl. No.5
akd

W. P. A. 3592 of 2024

[Naba Kumar Sadhukhan & Ors. -Vs- The Howrah Municipal Corporation & Ors.]

Mr. Arun Kumar Mohanty
Mr. Manabendranath Bandyopadhyay
Ms. Snigdha Ghosh
Ms. Puspita Chowdhury
Ms. Rajorna Mazumder
... .. for the petitioners

Mr. Sabyasachi Chatterjee
Mr. Akashdeep Mukherjee
... .. for respondent no.10

Mr. Tanmoy Mukherjee
... .. for respondent no.11

Mr. Sandipan Banerjee
Mr. Ankit Sureka
... .. for the HMC

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
... for respondent nos.12 to 14

Mr. Malay Krishna Dey
Mr. Tapas Ballav Mandal
... .. for the State

1. The petitioners have preferred the present writ petition, being aggrieved by the inaction of the respondent- Howrah Municipal Corporation in failing or refusing to take appropriate action against the illegal and unauthorized construction carried out at premises Nos. 252/5 and 252/4, Panchanantala Road, P.S. & Dist. Howrah, respectively falling under Ward No.17 of the Howrah Municipal Corporation. They are also challenging the sanctioned building plan of the private respondents stating that the same has been obtained by misrepresentation, upon amalgamating the two plots which according to them, is legally not permissible.

2. It is the case of the petitioners that the private respondents had constructed a G+3 storied building as a single unit namely, '*Monimala Apartment*' over the said two plots without effecting any formal amalgamation of the plots. The petitioners further contend that the private respondents had obtained the sanctioned building plan from the Howrah Municipal Corporation in blatant violation of the mandatory requirement of leaving open spaces as per applicable building regulations. Despite the petitioners having lodged multiple complaints, the respondent-Howrah Municipal Corporation has failed to act upon the same.

3. Learned Advocate for the respondent-Howrah Municipal Corporation submits that the authorities are ready and willing to consider and decide the representation of the petitioners dated 24.01.2024.

4. In view of the submission made by the learned Advocate for the respondent-Howrah Municipal Corporation, learned counsel for the petitioners submit that the petitioners will be satisfied if the respondent-Corporation decides their representation dated 24.01.2024 in a time bound manner.

5. Learned Advocate for the private respondents submits that their clients shall be afforded an opportunity of personal hearing at the time of deciding the representation of the petitioners so that they can produce their relevant sanctioned building plan, according to which, they claim to have constructed the property and have not deviated or carried out any unauthorized construction.

6. Accordingly, this Court directs the Assistant Engineer, (Building Department), Howrah Municipal Corporation

(respondent no.6) to decide the representation of the petitioners dated 24.01.2024 and pass a reasoned order in accordance with law within a period of eight weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioners as well as the private respondents.

7. With the aforesaid directions, the present writ petition is disposed of.

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

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.)