

21.04.2025  
Sl. Nos.18 & 20  
akd

**W. P. A. 4084 of 2025**

*[Dudhnath Das -Vs- Howrah Municipal Corporation & Ors.]*

**W I T H**

**W. P. A. 4584 of 2025**

*[Aftab Alam -Vs- Howrah Municipal Corporation & Ors.]*

Mr. Prasenjit Burman  
Mr. Swapnesh Mallik  
... .. for the petitioner  
[in both the petitions]

Mr. Tanmoy Mukherjee  
Mr. Souvik Das  
Mr. K. R. Ahmed  
Mr. Tapas Chatterjee  
Mr. Rudranil Das  
... .. for respondent nos.7 & 8  
[in both the petitions]

Mr. Sandipan Banerjee  
Mr. Ankit Sureka  
... .. for the HMC  
[in both the petitions]

Ms. Sharmila Deb  
... for the State [in WPA 4084/2025]

Mr. Supratim Dhar  
Mr. Tapas Mondal  
... for the State [in WPA 4584/2025]

1. Learned counsel for the Petitioner has filed two writ petitions for the same cause of action qua the same property through two different petitioners.
2. Accordingly, learned counsel for the petitioner seeks to withdraw one of the writ petitions.
3. WPA 4584 of 2025 stands dismissed as withdrawn.

**Re : W. P. A. 4084 of 2025**

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

5. The petitioner has preferred the present writ petition alleging unauthorized and illegal construction by private respondent nos.7 and 8 at Holding No.117, Danu Bose Lane (also known as Sadar Bakshi Lane), P.S. and P.O. Howrah, Dist. Howrah.

6. It is the case of the petitioner that respondent nos. 7 and 8 are recorded Thika Tenants in respect of the said plot of land. In the municipal bill of the said premises the respective names of the respondent nos. 7 and 8 have been recorded as "Thika Tenants". The petitioner further contended that 'no objection certificate' has not been issued by the Controller of Thika Tenancy at Howrah in favour of the private respondent nos. 7 and 8, and as such question of sanctioning of building permit in favour of the Thika Tenants i.e. the respondent nos. 7 and 8, by Howrah Municipal Corporation does not arise. But since June, 2024 the private respondents initiated construction work on the subject premises and as on date a (G+3) storied structure is standing thereon. Moreover, the construction is not being made following the provisions of the relevant Building Rules of 2009 as necessary front space, side spaces have not been kept open during the construction work.

7. Mr. Sandipan Banerjee, learned Advocate appearing on behalf of the Howrah Municipal Corporation, has submitted a report which has been duly taken on record. The report explicitly shows that the petitioner was in possession of a sanctioned building plan for a G+1 storied structure. Although there were certain deviations from the approved sanctioned plan, the said deviations were subsequently regularized by the Borough

Committeevide decision dated 23.11.2017, upon receipt of retention fees amounting to Rs.2,78,616/- on 14.12.2017.

8. With regard to the allegation that the land in question constitutes thika land and that '*No Objection Certificate*' had been obtained from the Thika tenancy department, such assertion is factually incorrect. The private respondent nos.7 and 8 had duly obtained '*No Objection Certificate*' from the Thika tenancy department vide Memo No. 165/1(1)/T.TCY Dtd. 06/06/2016 for erecting (G+1) structure at the said premises in question. Moreover, it is apparent from the contents of the report that the existing structure at the site is an old G+2 building, and no fresh or unauthorized construction is found at the premises in question.

9. In view of the said report, learned Advocate for the petitioner submits that his client does not wish to press the present writ petition.

10. Accordingly, WPA 4084 of 2025 stands dismissed as not pressed.

11. There shall be no order as to costs.

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

**(Gaurang Kanth, J.)**