

29.07.2025
Sl. No. 21
Ct No. 3
SG

WPA 5169 of 2025

**Tapan Kumar Chanda
Vs
The State of West Bengal & Ors.**

Mr. Mrityunjoy Chatterjee,
Mr. Manas Das,
Ms. Suchismita Chakraborty,
Mr. Arindam Paoli.

... for the petitioner

Mr. Sandipan Banerjee,
Mr. Aniket Sureka.

...for HMC

Ms. Mousumi Haldar Choudhury,
Mr. Debashish Kar.

...for the State

1. Affidavit-of-service is taken on record.
2. The petitioner in the present writ petition is challenging the inaction on the part of the respondent-Corporation in not considering the representation dated 14.08.2024 and 21.02.2025 submitted by the petitioner wherein he alleged the unauthorized construction being carried out by the respondent nos. 5 and 6 at premises no. 21/1/1/A, Kalu Para Lane, P.S. Malipanchghora, Dist. Howrah.
3. Learned Counsel for the petitioner submits that the petitioner is the absolute owner of the property situated at holding no. 101, Bazalpara Lane, Salkia, P.S. Malipanchghora, Dist. Howrah. The petitioner alleges that the private respondent nos. 5 and 6 are

the owners of the adjacent premises situated at 21/1/1/A on which the unauthorized construction is being carried out. The petitioner further states that the respondent nos. 5 and 6 entered into a registered development agreement dated 27.04.2022 with respondent no. 7 for the purposes of developing the said property. Learned Counsel for the petitioner further states that the respondent nos. 5 and 6 had a sanctioned building plan for construction of G+1 structure, but they are illegally raising G+2 storied building thereby obstructing the petitioner's access to free flow of natural air and light. Learned Counsel for the petitioner further states that the petitioner had instituted a Title Suit No. 274 of 2024 before the learned 2nd Civil Judge, Howrah wherein an interim order was passed in favour of the petitioner vide order dated 03.07.2024. However, despite the said interim order, the private respondents have continued with the unauthorized construction. Learned Counsel for the petitioner further draws attention to a reply dated 19.07.2024 to an RTI application dated 15.07.2024, which reveals that the respondent authority had only sanctioned a building plan for construction of G+1 storied building. Therefore, the ongoing construction of additional floors by the private respondents is

being carried out illegally and without any valid sanctioned plan.

4. Learned Counsel for the respondent-Corporation states that they are ready and willing to consider petitioner's representation dated 21.02.2025.

5. In view of the said submission made by the learned Counsel for the parties, this Court directs the respondent no. 2 or his authorized delegate to decide petitioner's representation dated 21.02.2025 within a period of eight weeks, from the date of communication of this order, strictly in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the private respondents or any other relevant stakeholders, by way of a speaking order.

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

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

8. There shall be no order as to costs.

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

(Gaurang Kanth, J.)