

22.07.2025
Ct. No.7
Sl. No.27
akd

W. P. A. 6582 of 2020
CAN 1 of 2020 (Old No. CAN 5373 of 2020)

[Sandip Das -Vs- The Howrah Municipal Corporation & Ors.]

Mr. Supriyo Chattopadhyay
Mr. Sudip Kumar Maiti
Ms. Debosri Chatterjee
... ... for the petitioner

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

1. Affidavit-of-service filed in court today is taken on record.
2. Despite service of notice, nobody appears on behalf of the respondent no.8.
3. The present writ petition was preferred citing inaction on the part of the respondent-Howrah Municipal Corporation in considering the petitioner's representations dated 20.02.2020 and 20.06.2020.
4. Mr. Supriyo Chattopadhyay, learned advocate appearing for the petitioner, submits that respondent no. 8 has illegally constructed a building beyond the G+1 level without any valid sanctioned building plan. It is further submitted that this fact was brought to the notice of the respondent-Corporation by way of two written representations dated 20.02.2020 and 20.06.2020. However, despite receipt of the said representations, no action has been taken by the Corporation in that regard.
5. Mr. Chattopadhyay draws my attention to a reply provided to the petitioner by the respondent-Corporation

pursuant to an application filed under Section 6(1) of the RTI Act, 2005, and contends that the Corporation itself has admitted that no sanctioned building plan was issued by the Howrah Municipal Corporation for the construction of the second floor on the premises belonging to respondent no. 8.

6. He further contends that the respondent-Corporation is well aware of the fact that respondent no. 8 has undertaken illegal construction. Yet, despite such knowledge, no effective steps have been taken to demolish or remove the unauthorized structure. Mr. Chattopadhyay also submits that, in addition to the second floor, respondent no. 8 has illegally constructed two further floors above the G+1 level.

7. In response, Mr. Sandipan Banerjee, learned advocate appearing on behalf of the Howrah Municipal Corporation, submits that a preliminary enquiry was conducted, which revealed that respondent no. 8 had carried out certain constructions above the G+1 level without obtaining a sanctioned building plan. He further submits that a notice under Section 177(1) of the Howrah Municipal Corporation Act, 1980, needs to be issued to respondent no. 8, and an opportunity for a personal hearing must be provided. If it is found that illegal construction has indeed been carried out by respondent no. 8, appropriate remedial measures shall be taken.

8. Having heard the learned advocates appearing for both parties, particularly taking note of the stand of the Corporation and upon perusal of the materials on record, I dispose of the writ petition by directing the Commissioner, Howrah Municipal Corporation (respondent no. 2), to conduct an inspection of the

building constructed by respondent no. 8 at Holding No. 93/7/1, Khetra Mohan Banerjee Lane, P.O. & P.S. Shibpur, Howrah – 711102 (Ward No. 37). The inspection may be carried out by the Commissioner personally or through his authorized representative, after giving prior intimation of the date of inspection to the petitioner and respondent no. 8.

9. If, upon inspection, it is found that the second floor or any additional floors above the G+1 level have been constructed illegally by respondent no. 8 without a valid sanctioned building plan, then appropriate steps shall be taken by the Howrah Municipal Corporation in accordance with law, after affording an opportunity of personal hearing to both the petitioner and respondent no. 8. The entire exercise shall be completed by the respondent-Corporation within twelve weeks from the date of receipt of a copy of this order.

10. With these observations and order, this writ petition is disposed of.

11. In view of disposal of the writ petition, the connected application being CAN 1 of 2020 (*Old No. CAN 5373 of 2020*) is also disposed of.

12. There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)