

15.07.2025
Sl. No.14
Ct.3/ tkm

W.P.A. 9186 of 2025
CAN 1 of 2025
CAN 2 of 2025

Tapas Dutta & ors.
Vs
State of West Bengal & Ors.

Mr. Sabysachi Chatterjee
Mr. Pintu Karar
Mr. Akashdeep Mukherjee
Mr. S Uddin Laskar
...for the petitioners

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

Mr. Mukti Ch Ghosh
...for the State

1. Learned advocate for the petitioners seeks to withdraw connected applications being CAN 1 of 2025 and CAN 2 of 2025.
2. Accordingly, both the applications are dismissed as withdrawn.
3. The petitioners have preferred the present writ petition being aggrieved by the inaction of the respondent authority in not removing the boundary wall which has been erected at the backside of the petitioners' premises, situated at 63/5 Tanti Para Lane, P.S Shibpur, now Chatterjeehat, Dist-Howrah, in such a manner that it obstructs the ingress and egress of the petitioners to the adjoining municipal road.

4. It is the case of the petitioners that they had purchased the premises in question vide registered sale deed dated 19.9.2023. While purchasing the said land at the backside of the building, there was a 12 ft. common passage. However, when the petitioners visited the said plot, recently, they found out that a boundary wall has been constructed in a way that obstructs their ingress and egress to the said common passage. The said wall has been built without any authorization. The construction of the wall over the said road is an encroachment of the public road. The petitioners have filed a representation dated 7.3.2025 before the Howrah Municipal Corporation and prayed for demolition of the said boundary wall so that the petitioners can access the said municipal road. However, no action has been taken by the respondent on the same till date.
5. Learned counsel for the respondent corporation submits that the authorities are ready and willing to decide the petitioner's representation dated 7.3.2025.
6. Learned counsel for the petitioner submits that the petitioners shall be satisfied if the same is decided within a time bound manner.

7. In view of the statement made by the learned counsel for the parties, this court directs the respondent corporation to decide petitioners' representation dated 7.3.2025, strictly 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 any other stake holders, by way of a speaking order.
8. With the above direction, the present writ petition is disposed of.
9. Since no affidavit is called for, allegations made in the writ petition are deemed to have been denied.

(Gaurang Kanth, J.)