

06.08.2025
Sl. No.27
Ct. No.42
SS

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 11949 of 2025

Sri Tapan Kumar Mukhopadhyay & ors.

Versus

The State of West Bengal & Ors.

Mr. Abhilash Chatterjee

...for the Petitioner.

Mr. Swapan Kr. Datta, Sr. Adv. Ld.AGP

Mr. Dipankar Das Gupta

... for the State

Ms. Mekla Sinha

... for the Howrah Zilla Parishad

On the prayer of the learned Advocate for the petitioner, leave is granted to correct the nomenclature of respondents in prayer (a) of the writ petition.

Affidavit of service filed on behalf of the petitioner is taken on record.

By the present writ petition, the petitioner seeks for direction upon the respondent authorities, particularly respondent nos.2 and 3 to consider the representation of the petitioner dated 16th May, 2025 for regularisation of the construction (G+4) in view of Regulation 15 of the Howrah Zilla Parishad Bye Law, 2005 with amendment of 2019 at L.R. Dag No.3403 corresponding to L.R. Khatian No.959, 7523, 7644, 7645 7647, 7648, J.L. No. 28, Mouza Mahiari, Police Station Domjur, District Howrah.

The petitioner nos.1 to 6 are the owners of the land comprised of L.R. Dag No.3403 corresponding to

L.R. Khatian No.959, 7523, 7644, 7645 7647, 7648, J.L. No. 28, Mouza Mahiari, Police Station Domjur, District Howrah. The petitioner nos.1 to 6 executed development agreement with the petitioner no.7 for development of the property. The developer namely, petitioner no.7 has constructed G+4 commercial-cum-residential buildings over the property-in-question. However, there are certain deviation in such construction. The petitioner approached the Howrah Zilla Parishad, respondent nos.2 and 3 for regularisation of such deviation by representation dated 16th May, 2025. Since no step has been taken for regularisation in terms of Regulation 15 of Howrah Zilla Parishad Bye Law, 2005 with amendment of 2019, the petitioner has preferred this present writ petition.

Learned Advocate for the petitioner as well as learned Advocates for the Howrah Zilla Parishad and State-respondents submit that the matter may be relegated to the Howrah Zilla Parishad for causing enquiry and disposing of the representation of the writ petitioner dated 16th May, 2025.

In view of the above and considering the submissions advanced by learned Advocates for the respective parties, the writ petition being **WPA 11949 of 2025** is disposed of by directing the State-respondents to appoint a hearing officer under Section 160A(6) of the West Bengal Panchayat Act, 1973 who

shall consider and dispose of the representation of the writ petitioner dated 16th May, 2025 in accordance with law adopting the following procedure:

- (i) Cause an inspection on the property-in-question upon notice to the petitioner as well as private respondents. A report of such inspection along with sketch map be prepared, which shall be handed over to the parties.
- (ii) Thereafter the petitioners shall be heard upon notice and representation of the petitioners dated 16th May, 2025 shall be disposed of by a reasoned order which shall be communicated to the parties within a week of passing of such orders. Petitioners are granted liberty to produce all relevant records and documents before the hearing officer under Section 160A of the West Bengal Panchayat Act at the time of hearing.
- (iii) In the event it is found that such deviation can be regularized under the existing Rules, the Howrah Zilla Parishad will take steps accordingly or else if it is found that such deviation is made in contravention of provisions of law, the proceedings shall be taken to its logical conclusion in terms of provisions of Section 160A of West Bengal Panchayat Act, 1973.
- (iv) The entire exercise shall be completed within a period of two months from date of communication of this order.

The learned Advocate for the petitioner is directed to communicate this order to the respondent No.2, Howrah Zilla Parishad along with copy of the representation dated 16th May, 2025.

It is made clear that this Court has not gone into the merits of this writ petition.

Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)