

09.12.2025
Ct. 3
Item No.
AD 10
Saswata

WPA 12665 of 2025
Asraf Khan
Versus
State of West Bengal & Ors.

Mr. Asfak Ahammed

...For the petitioner

Mr. Jagabandhu Roy
Mr. Priyabrata Ghosh

...for the State

Mr. Sandipan Banerjee
Mr. Ankit Sureka

...For the HMC

1. Affidavit of service filed in Court today is retained with the record.
2. The instant writ petition has been filed complaining that an unauthorized construction has come up at premises no. 34/4 Satkori Chatterjee Lane, Howrah, ward no. 19, Borough-III and a G+VI storied building has come up though there is no sanctioned building plan for the same.
3. Despite service, the private respondents are not represented, though the municipality and the State are represented in Court, I find that the petitioner has only served upon the respondent no. 10 who is one of the sons of the late Akhtar Khan. Insofar as the respondent nos. 11 and 12 are concerned, the petitioner could not demonstrate service. However, it is submitted that they are of sons of late Akhtar Khan, residing in the same premises.

4. Having regard thereto and since the respondent no. 10 is not represented, I propose to dispose of the writ petition by passing the following order.
5. Taking note of the fact that a complaint has been made as regards illegal construction at the aforesaid premises and complaint in this regard dated 17th March 2025 has been addressed to the Commissioner, Howrah Municipal Corporation, I am of the view that the Municipal authorities must enquire into the matter since serious allegation of construction of G+VI storied building without any sanctioned plan has been made.
6. In view thereof, I direct the municipal authorities to forthwith carry out an inspection at the locale upon notice to the interested parties.
7. The petitioner may not be notified. The municipal authorities shall, however, disclose the inspection report to the petitioner and decide on the representation made by the petitioner by passing a reasoned order in accordance with law upon giving an opportunity of hearing to all the interested parties including the petitioner, preferably within a period of 4

weeks from the date of communication of this order.

8. It is made clear that in the event any new construction is detected to have come up without sanctioned plan, appropriate proceedings must be initiated to arrest the new construction and to take steps for removal of such illegal construction in accordance with law.
9. With the above direction and observation, the writ petition is disposed of.
10. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)