

25.06.2025
Sl. No. 38
Ct No. 3
SG

**WPA 25268 of 2024
CAN 1 of 2025**

**Hazi Md. Eliyash & Anr.
Vs
Howrah Municipal Corporation & Ors.**

Mr. Malay Bhattacharyya,
Ms. S. Sengupta,
Ms. S. Basu.

...for the petitioners

Mr. Sandipan Banerjee,
Mr. Ankit Sureka.

...for the HMC

Mr. Srijan Nayak,
Ms. Rituparna Maitra.

...for the State

Mr. S.K. Sharma.

...for respondent no. 8

1. Affidavit-of-service is taken on record.
2. The petitioners have preferred the present writ petition being aggrieved by the inaction on the part of the respondent-Corporation in failing to take appropriate steps to stop the unauthorized construction taking place at premises no. 104/A/8, Molla Para Lane, P.S. Shibpur, Dist. Howrah, allegedly at the instance of respondent no. 8.
3. It is the submission of the learned Counsel for the petitioners that although a sanctioned building plan has been approved for a G+2 storied structure, the private respondent no. 8 is carrying out an unauthorized construction encroaching upon the

premises of the petitioners, in deviation of the said sanctioned building plan without leaving the mandatory open spaces on the sides, as required under the applicable building rules and regulations. The petitioner no. 1 served a representation dated 03.05.2024 upon the Assistant Engineer, Borough No. VI, Commissioner and the Assistant Engineer (In-charge), Building Department, Howrah Municipal Corporation, thereby complaining against such unauthorized construction and requested the said authorities to take appropriate steps in order to stop such illegal construction. Based on the complaint, the respondent-Corporation has issued a stop-work notice dated 02.05.2024 upon private respondent no. 8. The Officer-in-Charge, Borough No. VI, Howrah Municipal Corporation served a letter dated 04.05.2024 upon the Inspector-in-Charge, Shibpur Police Station to take appropriate steps to stop the unauthorized construction under Section 225 of the Howrah Municipal Corporation Act, 1980. However, till date no action has been taken by the respondent authorities to stop the alleged illegal construction.

4. Learned Counsel for respondent no. 8 states that the construction is being raised in accordance with the valid sanctioned plan.

5. Learned Counsel for the respondent-Corporation states that the authorities are ready and willing to decide petitioners' representation dated 03.05.2024.

6. Learned Counsel for the petitioners states 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 no. 5 to decide petitioners' representation dated 03.05.2024 within a period of eight weeks from the date of communication of this by way of a speaking order after affording an opportunity of personal hearing to the petitioners as well as the private respondent .

8. With the above direction, the present writ petition along with the application is disposed of.

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

10. There shall be no order as to costs.

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

(Gaurang Kanth, J.)