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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25409 of 2025

Aslam Khan
Versus
The Howrah Municipal Corporation & Ors.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
Ms. Dipanwita Ganguly
... For the petitioner.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
... For Howrah Municipal Corporation.

Mr. Wasim Reza
... For the respondent nos. 7 and 8.

1. Affidavit of service filed in Court is taken on record.
2. The instant writ petition has been filed inter alia praying for arresting illegal construction at premises no. 20/21 Madartala Lane, Police Station – Golabari, Howrah.
3. The petitioner would claim that the petitioner is a tenant under the private respondent nos. 7 and 8 in respect of part and parcel of holding no. 20/21 Madartala Lane, Police Station – Golabari, District – Howrah for a rental of Rs.80 payable as per the English calendar month.
4. Apprehending dispossession without due process of law and for a declaration that the petitioner is a lawful tenant a Title Suit, being T.S. 76 of 2022 has been filed before the learned Civil Judge (Junior Division), 4th Court

at Howrah. An interim order restraining the plaintiff from being evicted without due process of law is subsisting since 18th January, 2022. The said interim order has since been extended and is valid till 28th January, 2026.

5. The private respondents are represented in Court and would submit that the sister of the petitioner was a tenant in respect of the plot. The petitioner's sister has already surrendered the tenancy. A sanctioned building plan has been obtained on 2nd September, 2020 in respect of the premises no. 20/21 Madartala Lane, Police Station – Golabari, Howrah. Learned advocate, however, could not enlighten this Court as to whether any steps have been taken by the private respondents to vacate the subsisting interim order.

6. The municipal authorities are represented in Court.

7. Having heard the learned advocates appearing for the respective parties and noting ordinarily if there is sanctioned building plan the Court is loath to interfere, however, since the order of injunction has been passed by a competent Civil Court, I am of the view that municipal authorities should look into the matter. Accordingly I direct the municipal authorities to carry out an inspection of the locale and ensure that no construction is carried out de hors any order passed by a competent Civil Court. The decision in this regard must be taken by the municipal authorities by passing a reasoned order upon prior notice to the parties and upon giving an opportunity

of hearing. Such decision must be taken within a period of 3 weeks from the date of communication of this order.

8. With the above observations and directions the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)