

07.07.2025
Sl. No.1
akd

W. P. A. 28844 of 2024

[Kalyani Seal -Vs- The State of West Bengal & Ors.]

Mr. Samir Kumar Adhikari
... .. for the petitioner

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

Mr. Udayan Ray
Mr. Debabrata Roy
... .. for respondent nos.10 & 11

Mr. Malay Kumar Singh
Ms. Neelam Singh
... .. for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The petitioner has preferred the present writ petition being aggrieved by the inaction on the part of the respondent–Howrah Municipal Corporation in failing to initiate appropriate action against the unauthorized and illegal construction allegedly undertaken at the instance of private respondent no.10.
3. According to the petitioner, a cement concrete calvert was constructed for the purpose of installing a water tank on the common courtyard located on the southern side of Holding No. 72, Mahendra Bhattacharya Road, under the jurisdiction of Chatterjeehat Police Station, District Howrah. The petitioner asserts that she is the rightful owner of the said premises by virtue of a registered deed of partition, being Deed No. 6541 of the year 1962. As per the terms of the said deed, the southern portion of the property includes a common courtyard. However, on or about 22.09.2024, private respondent no.10 allegedly undertook unauthorized construction of a cement concrete

calvert on the said courtyard without obtaining the requisite permission from the concerned municipal authority and thereafter installed a large water tank upon it. This construction has, according to the petitioner, materially obstructed her lawful and unhindered use of the common courtyard.

4. Learned counsel appearing for private respondent nos.10 and 11 submits that no unauthorized construction has been carried out by respondent no.10. It is contended that only a water tank has been installed on a cement-based concrete platform and that the same has not been erected on the common courtyard.

5. The report submitted by the State is taken on record.

6. Learned counsel for the respondent—Howrah Municipal Corporation submits that the authorities are willing to consider and dispose of the petitioner's representation dated 27.09.2024.

7. In light of the above submission, learned counsel for the petitioner submits that the petitioner would be satisfied if her representation dated 27.09.2024 is considered and decided by the Corporation in a time-bound manner.

8. Accordingly, this Court directs the Assistant Engineer, Howrah Municipal Corporation (respondent no.9), to consider and decide the petitioner's representation dated 27.09.2024 by passing a reasoned and speaking order in accordance with law, within a period of eight weeks from the date of communication of this order. Prior to doing so, the said authority shall afford an opportunity of personal hearing to the petitioner as well as to private respondent nos.10 and 11.

9. With the aforesaid directions, the present writ petition is disposed of.

10. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.
11. There shall be no order as to costs.
12. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)