

26 16.01.2025
AN Ct. No. 01
RP

WPA(P) 501 of 2024

Md. Danish
vs.
State of West Bengal & Ors.

Mr. Wasim Reja
... for the Petitioner

Mr. Jahar Lal De
Mr. Shamim-Ul-Bari
... for the State

Mr. Sandipan Banerjee
Mr. Ankit Sureka
... for the H.M.C.

1. The petitioner by way of this writ petition filed as a Public Interest Litigation alleges that respondent nos. 1 to 7 have illegally put up construction without obtaining any planning permission from the Howrah Municipal Corporation on a Thika property.

2. Learned counsel representing the State has produced the written instructions given by the Deputy Controller Thika Tenancy Department, Howrah stating that as per the relevant register maintained in their office no return in Form A appears to have been filed in respect of Thika tenancy land in Howrah Municipal Corporation Plot No. 86, Noor Mohammad Munshi Lane, Howrah. The record of rights which have been enclosed as per the annexures P-1 also does not reflect that it is a thika property. The other allegation made by the petitioner is that the buildings have been put up without sanctioned plans. In the reply received from the Information Officer of the Howrah Municipal Corporation to an application to file

under the Right to Information Act, 2005, it has been stated that there is no sanction plan available in the department for the holding in question.

3. Though the private respondents have been served, none appears for the private respondents. Since the writ petition is disposed of without calling for any affidavits, the allegations are not gone into. However, taking note of the fact that a representation has been given to the Howrah Municipal Corporation on 30.10.2024 viz. the 2nd respondent herein, we direct the 2nd respondent or his delegates to consider the representation after notice to respondent nos. 8 and 9 and to conduct an inspection of the property and proceed to take action in accordance with law after following principles of natural justice. The above direction be complied with within a period of 8 weeks from the date of receipt of the server copy of this order.

4. In the result, the writ petition stands **disposed of.**

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)