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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7683 of 2025

Aninda Mullick
Versus
Howrah Municipal Corporation & Ors.

Ms. Shebatee Datta
Ms. Poulami Roy
... For the petitioner

Mr. Tarun Kumar Ghosh
Ms. Suvasree Ghosh
... For the State.

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

Mr. Soumya Basu Roychowdhury
Mr. Sarbananda Sanyal
Ms. Paulami Chakraborty
Mr. Samrat Chakraborty
... For the respondent nos. 6 to 9.

1. Affidavit of service filed in Court is taken on record.
2. The instant writ petition has been filed complaining illegal construction at premises no. 34, Nilmoni Mullick Lane, Post Office and Police Station and District – Howrah, PIN- 711101.
3. According to the petitioner, the petitioner had entered into a development agreement with the respondent nos. 6 to 9 and accordingly through the developer obtained a sanctioned building plan for construction of G+2 storied building, the building has now been illegally raised to the height of G+4 storey.

4. Learned advocate for the petitioner would submit that the petitioner had not accorded any permission to the developer to carry out the illegal construction in the aforesaid premises.

5. Learned advocate representing the private respondents on the other hand would submit that the petitioner had previously approached the Consumer Forum and having become unsuccessful in obtaining any compensation for additional floor, has now filed the instant writ petition. While responding to a query from this Court the learned advocate for the private respondents would, however, submit that the property at present is not occupied.

6. Mr. Banerjee, learned advocate appears on behalf of Howrah Municipal Corporation. According to him, the above construction could not have been carried out without the knowledge of the petitioner. According to him, the petitioner had kept silent and recently, has come forward by filing the instant writ petition.

7. Having heard the learned advocates appearing for the respective parties and noting that a complaint of illegal construction has been made by the owner himself, in my view, it shall be proper for the municipality to take appropriate action. The municipality must decide on the petitioner's complaint dated 5th December, 2024 within a period of two weeks from the date of communication of this order by carrying out an inspection in presence of the parties. If the occupancy certificate has not been issued

the same shall not be issued if it is found there is an illegal construction. In such case appropriate proceedings shall be initiated to arrest the illegal construction and to remove the same in accordance with law. It is expected that the entire process shall be completed by the municipality within 12 weeks from the date of communication of this order.

8. The above direction is being issued since the petitioner would submit that the petitioner who is the owner of the property is not interested to retain any illegal construction.

9. The municipality must ensure that appropriate action is initiated against the offenders so as to book them and to bring them to justice. The municipality must ensure that the building in question is not occupied till appropriate action as noted above is taken by the municipality.

10. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

11. 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.)