

29.06.2026
sayandeep
Sl. No. 28
Ct. No. 03

WPA 11745 of 2026

Jitendra Nath Dey & anr.
Vs.
Howrah Municipal Corporation & ors.

Mr. Pinaki Ranjan Mitra	 for the petitioners
Mr. D. N. Ray, Ld. GP	
Mr. Sukanta Ghosh	
Mr. Arghya Chatterjee	for the State
Mr. Sandipan Banerjee	 for the HMC
Mr. Uddipan Banerjee	
Mr. Subhrakanti Samanta	 For the respondent No. 4

1. Complaining illegal construction at holding No. 10 Phanindranath Dey Sarani under HMC, ward No. 48, LR Plot No. 2015 LR Khatian No. 1345 of Mouza- Santragachi, P.S. Jagacha, District Howrah, the instant writ petition has been filed. The petitioner would complain that the private respondent has been carrying out construction without keeping the mandatory side open space.
2. The private respondent is represented. He submits that the construction is being carried out in accordance with the sanctioned building plan issued by the municipality. According to him, the common passage runs between the petitioner's premises and that of the private respondent. The private respondent by treating the space to be common had obtained sanctioned building plan and has accordingly proceeded. There is no irregularity in the private respondent either obtaining sanctioned building plan or in carrying out construction on the basis thereof. The

municipality is represented. There are no instructions available with the advocate for the municipality.

3. Having regard to the above and noting that the petitioner has made a complaint, I of the view that the complaint must be decided by the municipality in accordance with law. It is, however, made clear that while deciding the complaint, the municipality shall not decide on the question of title on the common passage between the parties. The decision shall be confined to the sanctioned building plan and the deviation in respect thereof. The aforesaid direction is being passed since at this stage there is no application for cancellation of the sanctioned building plan pending.
4. It is expected that the above decision in this regard shall be taken on an expeditious basis preferably within a period of six weeks from the date of communication of this order.
5. Since no affidavit has been called for, the allegations made in the petition are deemed not to have been admitted by the respondents.
6. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)