

22.06.2026
Court No. 12
Item No. 32
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 978 of 2026
I.A. No : CAN 1 of 2026

Sri Akshoy Mukherjee
Vs.
Howrah Municipal Corporation & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Tirupati Mukherjee,
Mr. Rishabh Ahmed Khan
.....for the appellant.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka
....for the Howrah Municipal Corporation.

- 1) The appellant is aggrieved by an order dated May 12, 2026 passed in W.P.A. 17904 of 2024.
- 2) By the order impugned, the learned single Judge directed the Howrah Municipal Corporation to act and proceed in accordance with law. His Lordship also directed an inspection of the premises in question be made in order to detect whether there has been any unauthorized construction or not.
- 3) Mr. Chatterjee, learned advocate for the appellant submits that such direction was contrary to the records. His Lordship had placed reliance on a communication under the Right to Information Act to the extent that the appellant did not have any sanction for construction of the building. However, a communication of the Corporation asking the appellant to stop construction upon detection

of deviation from the sanction plan, clearly indicated that sanction had been granted for such construction. It was found that there was deviation from the sanction plan. A further inspection was not required Secondly, the fact that there was an existing sanction plan could not be disputed.

4) We are of the view that the factual dispute which has arisen in this litigation should be decided by the Corporation itself. It could be that the information under the Right to Information Act was wrongly given or that the stop work notice was based on incorrect information. All issues will have to be decided upon considering the records as also the papers available with the appellant. If the appellant has a sanction, the appellant will produce the same before the authority. If the authority is satisfied, the proceeding will be dropped. If the authority is dissatisfied necessary steps shall be taken as per provision of the Section 177 of the Howrah Municipal Corporation Act.

5) All points are left open and the order of His Lordship will not prejudice the proceeding to be initiated by the Corporation. The inspection shall be held in the presence of the parties. A report of such inspection shall be prepared by the Corporation and handed over to the parties. The parties will be allowed to file their documents in support of their submissions and thereafter steps shall be taken in accordance with law.

6) The appeal and the application are disposed of with the above observations.

7) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)