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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 17904 of 2024

Swapan Roy & Anr.
Versus
Howrah Municipal Corporation & Ors.

Mr. Prasenjit Burman
Ms. Payel Koley
Mr. Swapanesh Mallik
... For the petitioners.

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

1. Affidavit of service filed in Court is taken on record.
2. Alleging illegal construction at the behest of the respondent no.6 and the failure on the part of the municipal authorities to act on the basis of the petitioners' complaint dated 11th June, 2024, the instant writ petition has been filed.
3. Learned advocate for the petitioners has drawn attention of this Court to the response filed by the municipal authorities under Right to Information Act, 2005 and would submit that on the own showing of the municipality no plan has been sanctioned in respect of Dag No.2556 (RS & LR), Khatian No.805(L.R.), J.L. No. 01, Mouza-Balitikuri, Holding No.284, Khaldhar Para in favour of the respondent no.6.
4. Though the respondent no.6 is not represented, the municipality is represented. According to Mr.

Banerjee, learned advocate representing the municipality, he is yet to receive instruction in this matter.

5. Having heard the learned advocates appearing for the respective parties and noting that a complaint has been made by the petitioners and on taking into consideration the response issued by the municipal authorities under Right to Information Act, 2005, I am of the view that the municipal authorities ought to carry out an inspection at the locale and decide on the petitioners' representation by passing a reasoned order.

6. If on the basis of the inspection to be carried out and on the basis of available documents as may be produced by the parties the municipal authorities arrive at a finding that there has been illegal construction, appropriate steps under the provisions of Section 177 of the Howrah Municipal Corporation Act shall be initiated and the same shall be brought to a logical conclusion on an expeditious basis.

7. It is expected that the entire process in this regard shall be concluded within a period twelve weeks from the date of communication of this order.

8. 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.

9. 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.)