

12
10.02.2026
sb
Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20053 of 2025

Naushad Alam & Ors.
Versus
The State of West Bengal & Ors.

Mr. Golam Mastafa
Mr. T. S. Samanta
Mr. Surajit Maity
... For the petitioners.

Mr. S. K. Haldar
Mr. T. B. Mondal
... For the State.

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

Mr. Nikhil Kumar Gupta
... For the private respondent.

1. Affidavit of service filed in Court is taken on record.
2. Complaining illegal construction at Premises No. 105, 105/2 and 109, Mollapara Lane, Ward No.40, Borough-VI, under Howrah Municipal Corporation, P.S. Shibpur, District- Howrah, the instant writ petition has been filed.
3. The petitioners would complain that the respondent no.8, without following the building rules has been constructing on the aforesaid property in the most illegal manner. Though, the proposed construction was sanctioned for G+2 storied building, the same has now become a G+5 storied building.

4. Although a complaint has been lodged by the petitioners with the municipal authorities on 22nd July, 2025, no steps have been taken by the municipal authorities in this regard.

5. Mr. Banerjee, learned advocate appears for Howrah Municipal Corporation. He is unable to enlighten this Court as to the steps taken by the corporation in respect of the above complaint.

6. Having heard the learned advocates appearing for the respective parties and noting that an allegation of illegal construction has been made, I am of the view that it will only be appropriate to direct the municipal corporation to forthwith carry out an inspection at the locale and to supply such report to the parties and thereafter take a decision on petitioners' complaint by giving an opportunity of hearing to the parties and by passing a reasoned order.

7. The above exercise must be completed within a period of four weeks from the date of communication of this order.

8. If on the basis of the above exercise, any illegal construction is noted, the municipal corporation shall forthwith proceed to take steps in accordance with Section 177 of Howrah Municipal Corporation Act, 1980 and Rules framed thereunder and bring such proceeding to a logical conclusion as expeditiously as possible, preferably within a period of sixteen weeks therefrom.

9. 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.

10. 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.)