

25  
15.12.2023  
d.p.

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A. 21375 of 2023**

**Soma Mondal  
-versus  
The Howrah Municipal Corporation & Ors.**

**Mr. Madhu Jana,  
Mr. Golam Zaky.  
...For the Petitioner.**

**Mr. Arka Kumar Nag,  
Mr. Ritesh Kumar Ganguly.  
...For the State.**

**Mr. Sandipan Banerjee,  
Mr. Santanu Chatterjee.  
...For HMC.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the private respondents in spite of service. The track report of service upon the private respondents mentions that the postal envelope stood refused.

The petitioner complains that the private respondents have set up Gumti in the outer boundary wall of the petitioner encroaching the public land.

Complaints lodged against such illegal activity of the private respondents have not been responded by the Howrah Municipal Corporation.

The petitioner has annexed photographs to show that the public land has been encroached by the unauthorized Gumti.

Learned advocate appearing for the Howrah Municipal Corporation submits that the Corporation shall inspect the subject premises and take remedial steps, if required.

In view of the order that I propose to pass, none of the parties will be prejudiced if the writ petition is disposed of in the following manner.

As it appears that the representation filed by the petitioner alleging illegal setting up of Gumti encroaching public road is pending consideration before the Corporation, accordingly, the instant writ petition is disposed of by directing the Commissioner or his delegate to cause a spot inspection to ascertain the nature and extent of encroachment and unauthorized construction upon prior notice to all the necessary parties.

If it appears that the allegation of the petitioner is genuine, then necessary remedial steps shall be taken in accordance with law.

Steps shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

Learned advocate appearing for the petitioner is directed to forward copy of the representation dated 10<sup>th</sup> August, 2023 along with supporting photograph to the respondent authority at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**( Amrita Sinha, J.)**