

S.L. No. 132

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE, KOKATA BENCH
ORIGINAL APPLICATION NO. 96/2024/EZ

Srikant Singh

...Applicant

VERSUS

West Bengal Pollution Control Board&Ors.

...Respondents

INDEX

Sl no	Annexures	Particulars	Page no
1		Affidavit along with the Verification	1- 7
2	A	Copy of the said notifications all dated 12.11.2021	
3	B	Orders passed by the Hon'ble High Court, Calcutta	
4	C	Order passed by the Division bench in WPA (P) no. 271 of 2021	
5		Vakalatnama	

Date: 2024, September 24

Amrita Pandey
Filed by 24/09/2024

Amrita Pandey
Advocate for
Howrah Municipal Corporation
Respondent no. 3



24 SEP 2024

Commissioner Bandana
Howrah Municipal Corporation

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE, KOKATA BENCH
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Srikant Singh

...Applicant

VERSUS

West Bengal Pollution Control Board &Ors.

...Respondents

Short Affidavit on behalf of Respondent no. 3 i.e. Howrah Municipal Corporation

I, Bandana Pokhriyal, daughter of Sri Chandra Shashi Pokhriyal, aged about 35 years, working for gain at Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah - 711 101 do hereby solemnly affirm and say as follows:

1. I am the Commissioner, Howrah Municipal Corporation being respondent no. 3 herein. I am acquainted with the facts and circumstances of the case and I am competent to affirm this affidavit on behalf of the respondent no. 3 herein.

2. I affirm this affidavit in terms of the solemn orders passed by the Hon'ble Justice B. Amit Sthalekar and Hon'ble Justice (Dr.)

Commissioner *Bandana Pokhriyal*
Howrah Municipal Corporation



ArunKumar Verma, National Green Tribunal, Eastern Zone Bench, Kolkata.

3. That a copy of the solemn orders of the Hon'ble Tribunal has been taken from the server and I have read and understood the contents and purport thereof. Nothing contained in this affidavit shall be construed as admission of any statement unless specifically admitted by me. I reserve the right to deal with legal position of the matter at the time of hearing.
4. That the respondent no. 3 were added party in the present proceedings.
5. That the present original Application pertains to the a unit named Padmavati Metal Industries, Sole Proprietor Smt. Aruna Vyas (being Respondent no. 2 herein) and the same is situated at Liluah, Howrah, which falls under the jurisdiction of the competent authority of the Bally Municipality.
6. That the respondent herein respectfully states that the State of West Bengal vide the notification dated 12th November, 2021 being no. 1446/UDMA-15011 (19)/I/2021-LS-MA SEC had



Commissioner
Howrah Municipal Corporation
Bandana
Pouhief

bifurcated the area being Liluah, Howrah from Howrah Municipal Corporation to Bally Municipality Area. **Copy of the said notification and other relevant notifications all dated 21.11.2021 are annexed hereto and marked with letter Acolly.**

7. That in matters pertaining to the cases falling under the jurisdiction of Bally Municipality, the Hon'ble High Court has been pleased to implead Bally Municipality and/or pass necessary directions upon the Bally Municipality and not HowrahMunicipal Corporation in several matters. **Few copies of the orders passed by the Hon'ble High Court are annexed hereto and marked with letter B.**

8. That the Applicant respectfully states and submits that in a Public Interest Litigation, the question arose about the above referred notification in WPA (P) No. 271 of 2021. The said writ application is still pending and subject matter is sub judice before the Hon'ble Court and as such the answering respondent does



Bandana
 Commissioner *Pouh'ye*
 Howrah Municipal Corporation

not make any comments about the same. **Copy of the orders in this connection are annexed hereto and marked with letter C.**

9. That the respondent no. 3 respectfully prays that the Bally Municipality be arrayed as a party to the present proceedings for proper adjudication of the matter as the present subject matter falls within the jurisdiction of Bally Municipality.
10. That the respondent respectfully prays that the respondent be deleted from the array of parties in the present proceedings as the answering respondent no. 3 is not a necessary and/or proper party in the present proceedings. The subject matter of the present proceedings do not pertain to the respondent no. 3 as such the respondent no. 3 humbly prays for deletion of the respondent no. 3 from the array of parties/respondent in the present Original Application.
11. It is therefore respectfully prayed that this Hon'ble Tribunal may graciously be pleased to pass order or orders as deem fit and proper in the interest of justice.



Commissioner Bandana
Howrah Municipal Corporation

12. The statements made in paragraph no. 1 to 3 in the foregoing petition are true to my knowledge and those contained in paragraph nos. 4 to 8 are matters of record and information derived from record, which are believed to be true and correct and the rest thereof including the prayer portion are my respectful submissions before this Hon'ble Tribunal.

Identified by me & prepared in my office.

Amrita Pandey
Amrita Pandey
Advocate F/747/2009

Bandana Pourniyal.
DEPONENT  Commissioner
Howrah Municipal Corporation

SK Nazrul Islam
Solemnly Affirmed and Declared before me U/S 139 CPC, U/S 297 (C) CRPC

Notary

SK Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Calcutta



24 SEP 2024

VERIFICATION

Verified by the Deponent named on this the ^{24th}~~25th~~ day of September, 2024 and I do hereby verify that all the facts mentioned in the affidavit are true to my Knowledge and no part thereof is false and nothing material has been concealed there from.

*Bandana
Panda*

DEPONENT
Commissioner
Howrah Municipal Corporation

Identified by me

Anita Pandey
Anita



Government of West Bengal
Department of Urban Development & Municipal Affairs
(Municipal Affairs Branch)
'Nagarayan', DF - 8,
Sector - I, Salt Lake, Kolkata - 700064

Annexure A colly

NOTIFICATION

No. 1445/UDMA-15011(19)/1/2021-LS-MA SEC

Dated, Kolkata, the 12th November, 2021

WHEREAS the State Government expressed the intention vide notification No.222/UDMA-15011(19)/1/2021-LS-MA SEC, dated the 11th day of February, 2021, published in Kolkata Gazette Extraordinary on the 11th day of February, 2021 (hereinafter referred to as the said notification) read with notification No.228/UDMA-15011(19)/1/2021-LS-MA SEC, dated the 11th day of February, 2021 to exclude certain areas from the limits of the Howrah Municipal Corporation (hereinafter referred to as the said Corporation), constituted under the Howrah Municipal Corporation Act, 1980 (West Ben. Act LVIII of 1980) (hereinafter referred to as the said Act);

AND WHEREAS the period of thirty days from the date of publication of the said notification in the Kolkata Gazette, for submitting objection in respect to the said notification by any inhabitant of the said areas in writing to the State Government has expired and some objection were received from the inhabitants of the said areas during the period aforesaid;

AND WHEREAS the objections were sent to District Magistrate, Howrah with a request to take such objections into consideration and to send a consolidated report thereof along with his views in this regard to the Urban Development and Municipal Affairs Department;

AND WHEREAS in consideration of such objections, District Magistrate, Howrah, vide his Memo No. 667/C, dated the 5th October, 2021, has informed that no particular objections in connection with the exclusion of the said areas from Howrah Municipal Corporation stand;

AND WHEREAS, in terms of provisions of sub-section (3) of section 219 of the said Act, the West Bengal Legislative Assembly on the 12th November, 2021, has resolved to approve the intention of the State Government expressed in the said notification for the purpose of exclusion of the said areas from the limits of Howrah Municipal Corporation;

NOW, THEREFORE, in exercise of the power conferred by sub-section (3) of section 219 of the said Act, the Governor is pleased hereby to exclude the said areas, consisting of the land the details as specified in the Schedule below in the district of Howrah, from the limit of Howrah Municipal Corporation:-

The Schedule

Sl. No.	Name of Police Station	Name of Mouza	J. L. no.	R. S. Plot No.
1.	Liluah	Liluah	12	Full Mouza
2.	Bally	Belur	15	Full Mouza
3.	Bally	Barrackpore	16	Full Mouza
4.	Bally	Malipanchghara	17	Full Mouza
5.	Bally	Ghusuri	18	Full Mouza

6.	Bally	Bally	14	8001 to 8400, 9001 to 9032 ; 8401 to 8635 ; 8701 to 8732 ; 9101 to 9207, 9211 to 9240, 9242 to 9370, 9372 to 9383, 9385 to 9438, 9442 to 9461, 9463, 9464, 9466 to 9477, 9479 to 9528, 22005 ; 9601 to 9629, 9631 to 9669, 9671 to 9703, 9705 to 9723, 9725, 9729 to 9798 ; 9901 to 10144, 10146, 10148, 10150 to 10185, 10187 to 10352, 22112 ; 10401 to 10767, 10769 to 10905, 10907, 10909 to 10913, 22060 ; 11001 to 11134, 11136 to 11170, 11172 to 11268, 11271 to 11273 ; 11701 to 11858, 11861, 11862, 22001; 12001 to 12303, 22003; 12501 to 12546, 12548 to 12926, 22002; 13001 to 13736, 13740 to 13742, 22048; 14001 to 14354; 14501 to 14581, 14583 to 14847, 22011 to 22015, 22008; 15001 to 15576, 15578 to 15600; 15601 to 16052, 22028, 22029, 22059; 16101 to 16426, 16428, 16429, 22009; 16501 to 17043, 17045 to 17047, 22103 to 22106 ; 17101 to 17184, 17186 to 17200, 17202, 17204 to 17209, 17213, 17214, 17216 to 17235, 17237 to 17244, 17246 to 17251, 17253 to 17300, 22026; 17301 to 17395, 17409, 19401 to 19417 ; 17396 to 17408; 17451 to 17462, 17464 to 17551, 19201 to 19235, 22004 ; 17601 to 17900, 19551 to 19698, 22049, 22050, 22060 to 22063 ; 17901 to 17934 ; 17951 to 18031, 18033, 18034 to 18048; 18051 to 18111 ; 19010 to 19040, 22064 to 22066, 22097, 22098.
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The Governor is further pleased to declare that upon issuance of final notification for exclusion of the areas from the limits of Howrah, Schedule I of the said Act shall, subject to the provisions of sub-section (3) of section 219 of the said Act, be deemed to have been amended in the following manner:-

Amendment

In Schedule-I of the said Act - the words, letters and signs, "the entire area under jurisdiction of Bally Municipality comprising of Mouza Liluah (full), J. L. No. 12 under Liluah Police Station, Mouza Belur (full), J. L. No. 15 under Bally Police Station, Mouza Barrackpore (full), J. L. No. 16 under Bally Police Station, Mouza Malipanchghara (full), J. L. No. 17 under Bally Police Station, Mouza Ghusuri (full), J. L. No. 18 under Bally Police Station and Mouza Bally, J. L. No. 14 under Bally Police Station comprising of the area consisting of R. S. Plot No. 8001 to 8400, 9001 to 9032 ; 8401 to 8635 ; 8701 to 8732 ; 9101 to 9207, 9211 to 9240, 9242 to 9370, 9372 to 9383, 9385 to 9438, 9442 to 9461, 9463, 9464, 9466 to 9477, 9479 to 9528, 22005 ; 9601 to 9629, 9631 to 9669, 9671 to 9703, 9705 to 9723, 9725, 9729 to 9798 ; 9901 to 10144, 10146, 10148, 10150 to 10185, 10187 to 10352, 22112 ; 10401 to 10767, 10769 to 10905, 10907, 10909 to 10913, 22060 ; 11001 to 11134, 11136 to 11170, 11172 to 11268, 11271 to 11273 ; 11701 to 11858, 11861, 11862, 22001; 12001 to 12303, 22003; 12501 to 12546, 12548 to 12926, 22002; 13001 to 13736, 13740 to 13742, 22048; 14001 to 14354; 14501 to 14581, 14583 to 14847, 22011 to 22015, 22008; 15001 to 15576, 15578 to 15600; 15601 to 16052, 22028, 22029, 22059; 16101 to 16426, 16428, 16429, 22009; 16501 to 17043, 17045 to 17047, 22103 to 22106 ; 17101 to 17184, 17186 to 17200, 17202, 17204 to 17209, 17213, 17214, 17216 to 17235, 17237 to 17244, 17246 to 17251, 17253 to 17300, 22026; 17301 to 17395, 17409, 19401 to 19417 ; 17396 to 17408; 17451 to 17462, 17464 to 17551, 19201 to 19235, 22004 ; 17601 to 17900, 19551 to 19698, 22049, 22050, 22060 to 22063 ; 17901 to 17934 ; 17951 to 18031, 18033, 18034 to 18048; 18051 to 18111 ; 19010 to 19040, 22064 to 22066, 22097, 22098" shall be omitted.

By order of the Governor,


Pr. Secy to the Govt. of West Bengal.

No. 1445/1(13) /UDMA-15011(19)/1/2021-LS-MA SEC

Dated, Kolkata, the 12th November, 2021.

Copy forwarded for information and necessary action to the, -

- (1) Principal Secretary, Finance Department, Government of West Bengal.
- (2) Principal Secretary, Panchayat & Rural Development Department, Government of West Bengal.
- (3) District Magistrate, Howrah, P.O. Howrah, Dist.- Howrah.

He is requested kindly to do the needful towards wide public proclamation of the notification in the local area concerned and to paste up a copy of the notification in conspicuous place in his office, and also to furnish a report of compliance thereof to this Department.

- (4) Commissioner, Howrah Municipal Corporation.
- (5) Secretary, State Election Commission, 18 Sarojini Naidu Sarani, Kolkata-700027.
- (6) Principal Accountant General (A &E), West Bengal, Treasury Buildings, Kolkata- 700001.
- (7) Examiner of Local Accounts, West Bengal
- (8) Director of Local Bodies, West Bengal, Pura Prashasan Bavan, DD-1, Sector – I, Salt Lake, Kolkata - 64.
- (9) Director, SUDA, ILGUS Bhaban, HC Block, Salt Lake, Sector-III, Kolkata-700106.
- (10) Director of Census Operations, West Bengal.
- (11) Director of Information, Government of West Bengal.
- (12) Private Secretary to the Hon'ble Minister-in-Charge, UD & MA Department.
- (13) Sr. P. A. to the Principal Secretary, UD & MA Department.
- (14) Guard file of Cell-4.


Additional Secretary

Government of West Bengal
Department of Urban Development & Municipal Affairs
(Municipal Affairs Branch)
'Nagarayan', DF – 8,
Sector – 1, Salt Lake, Kolkata – 700064

NOTIFICATION

No. 1446/UDMA-15011(19)/1/2021-LS-MA SEC

Dated, Kolkata, the 12th November, 2021

WHEREAS in terms of notification vide No. 222/UDMA-15011(19)/1/2021-LS-MA SEC, dated the 11th day of February, 2021, published in Kolkata Gazette Extraordinary on the 11th day of February, 2021 read with notification No. 228/UDMA-15011(19)/1/2021-LS-MA SEC, dated the 11th day of February, 2021, published in Kolkata Gazette Extraordinary on the 11th day of February, 2021, the State Government has declared its intention to exclude certain areas, consisting of the land as specified in the schedule below (hereinafter referred to as the said areas), from the limits of the Howrah Municipal Corporation, constituted under the Howrah Municipal Corporation Act, 1980 (West Ben. Act LVIII of 1980);

AND WHEREAS the State Government has also declared its intention vide notification No. 223/UDMA-15011(19)/1/2021-LS-MA SEC, dated the 11th day of February, 2021 (hereinafter referred to as the said notification) to constitute a municipal area namely - 'Bally Municipal Area' in the district of Howrah covering the said areas, consisting of the land as specified in the schedule below in terms of provisions of section 3 of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act);

AND WHEREAS the period of thirty days from the date of publication of the said notification in the Kolkata Gazette, for submitting objection in respect to the said notification by any inhabitant of the said areas in writing to the State Government has expired and objections were received from the inhabitants of the said areas during the period aforesaid;

AND WHEREAS such objections were sent to District Magistrate, Howrah with a request to take such objections into consideration and to send a consolidated report thereof along with his views in this regard to the Urban Development and Municipal Affairs Department;

AND WHEREAS in consideration of such objections, District Magistrate, Howrah, vide his Memo No. 667/C, dated the 5th October, 2021, has informed this Department that no particular objections in connection with the exclusion of the said areas from Howrah Municipal Corporation and constitution of Bally Municipal Areas stand;

NOW THEREFORE, in exercise of the power conferred by section 6 of the said Act, the Governor is pleased hereby to constitute the said areas consisting of the land, description of which has been specified in the Schedule below, a Municipal area namely, "Bally Municipal Area" in the district of Howrah :-

The Schedule

Sl. No.	Name of Police Station	Name of Mouza	J. L. no.	R. S. Plot No.
1.	Liluah	Liluah	12	Full Mouza
2.	Bally	Belur	15	Full Mouza
3.	Bally	Barrackpore	16	Full Mouza
4.	Bally	Malipanchghara	17	Full Mouza
5.	Bally	Ghusuri	18	Full Mouza
6.	Bally	Bally	14	8001 to 8400, 9001 to 9032 ; 8401 to 8635 ; 8701 to 8732; 9101 to 9207, 9211 to 9240, 9242 to 9370, 9372 to 9383, 9385 to 9438, 9442 to 9461, 9463, 9464, 9466 to 9477, 9479 to 9528, 22005 ; 9601 to 9629, 9631 to 9669, 9671 to 9703, 9705 to 9723, 9725, 9729 to 9798 ; 9901 to 10144, 10146, 10148, 10150 to 10185, 10187 to 10352, 22112 ; 10401 to 10767, 10769 to 10905, 10907, 10909 to 10913, 22060 ; 11001 to 11134, 11136 to 11170, 11172 to 11268, 11271 to 11273 ; 11701 to 11858, 11861, 11862, 22001; 12001 to 12303, 22003; 12501 to 12546, 12548 to 12926, 22002; 13001 to 13736, 13740 to 13742, 22048; 14001 to 14354; 14501 to 14581, 14583 to 14847, 22011 to 22015, 22008; 15001 to 15576, 15578 to 15600; 15601 to 16052, 22028, 22029, 22059; 16101 to 16426, 16428, 16429, 22009; 16501 to 17043, 17045 to 17047, 22103 to 22106 ; 17101 to 17184, 17186 to 17200, 17202, 17204 to 17209, 17213, 17214, 17216 to 17235, 17237 to 17244, 17246 to 17251, 17253 to 17300, 22026; 17301 to 17395, 17409, 19401 to 19417 ; 17396 to 17408; 17451 to 17462, 17464 to 17551, 19201 to 19235, 22004 ; 17601 to 17900, 19551 to 19698, 22049, 22050, 22060 to 22063 ; 17901 to 17934 ; 17951 to 18031, 18033, 18034 to 18048; 18051 to 18111 ; 19010 to 19040, 22064 to 22066, 22097, 22098.

By Order of the Governor,

Principal Secretary to the Government of West Bengal.

No. 1446/1(14) /UDMA-15011(19)/1/2021-LS-MA SEC

Dated, Kolkata, the 12th November, 2021

Copy forwarded for information and necessary action to the, -

- (1) Principal Secretary, Finance Department, Government of West Bengal.
- (2) Principal Secretary, Panchayat & Rural Development Department, Government of West Bengal.
- (3) District Magistrate, Howrah, P.O. Howrah, Dist.- Howrah.

He is requested kindly to do the needful towards wide public proclamation of the notification in the local area concerned and to paste up a copy of the notification in conspicuous place in his office, and also to furnish a report of compliance thereof to this Department.

- (4) Commissioner, Howrah Municipal Corporation
- (5) Secretary, State Election Commission, 18 Sarojini Naidu Sarani, Kolkata-700027.
- (6) Principal Accountant General (A &E), West Bengal, Treasury Buildings, Kolkata- 700001.
- (7) Examiner of Local Accounts, West Bengal
- (8) Director of Local Bodies, West Bengal, Poura Prashasan Bavan, DD-1, Sector – I, Salt Lake, Kolkata - 64.
- (9) Director, SUDA, ILGUS Bhaban, HC Block, Salt Lake, Sector-III, Kolkata-700106.
- (10) Director of Census Operations, West Bengal.
- (11) Director of Information, Government of West Bengal.
- (12) Private Secretary to the Hon'ble Minister-in-Charge, UD & MA Department.
- (13) Sr. P. A. to the Principal Secretary, UD & MA Department.
- (14) Guard file of Cell-4.


Additional Secretary

Government of West Bengal
Department of Urban Development & Municipal Affairs
(Municipal Affairs Branch)
'Nagarayan', DF - 8,
Sector - I, Salt Lake, Kolkata - 700064

NOTIFICATION


No. 1447/UDMA-15011(19)/1/2021-LS-MA SEC

Dated, Kolkata, the 12th November, 2021

WHEREAS vide notification No. 1446/UDMA-15011(19)/1/2021-LS-MA SEC, dated, the 12th November, 2021 of the Department of Urban Development and Municipal Affairs, Bally Municipality in the district of Howrah (hereinafter referred to as the said Municipality) has been constituted with effect from the 12th November, 2021 in terms of provisions of section 6 of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act);

NOW THEREFORE, in exercise of the power conferred by sub-section (3) of section 14 the said Act, the Governor is pleased hereby to appoint the Sub-divisional Officer, Howrah Sadar as Administrator for the said Municipality for the purpose of shaping up the municipal administration of the said Municipality and also ensuring running of the civic services in the area for a period of six months from the date of constitution of the said Municipality or until further order whichever is earlier.

By order of the Governor,



Addl. Secy. to the Govt. Of West Bengal

No. 1447/1/UDMA-15011(19)/1/2021-LS-MA SEC

Dated, Kolkata, the 12th November, 2021

Copy forwarded for information to the :-

- (1) The Sub-divisional Officer, Howrah Sadar.

He is requested to take over the charge of Administrator to the newly constituted Bally Municipality with effect from the 12th November, 2021.



Additional Secretary

No. 1447/2(12)/ UDMA-15011(19)/1/2021-LS-MA SEC Dated, Kolkata, the 12th November, 2021

Copy forwarded further for information and necessary action to the: -

- (1) Principal Secretary, Finance Department, Government of West Bengal.
- (2) Commissioner, Presidency Division.
- (3) District Magistrate, Howrah, P.O. Howrah, Dist.- Howrah.
- (4) Commissioner, Howrah Municipal Corporation.
- (5) Secretary, State Election Commission, 18 Sarojini Naidu Sarani, Kolkata-700027.
- (6) Principal Accountant General (A &E), West Bengal, Treasury Buildings, Kolkata- 700001.
- (7) Examiner of Local Accounts, West Bengal.
- (8) Director of Local Bodies, West Bengal, Poura Prashasan Bavan, DD-1, Sector – I, Salt Lake, Kolkata
- 64.
- (9) Director, SUDA, ILGUS Bhaban, HC Block, Salt Lake, Sector-III, Kolkata-700106.
- (10) Director of Information, Government of West Bengal.
- (11) Private Secretary to the Hon'ble Minister of State (I. C.), UD & MA Department.
- (12) Sr. P. A. to the Principal Secretary, UD & MA Department.


12/11/2021
Joint Secretary

Government of West Bengal
Department of Urban Development & Municipal Affairs
(Municipal Affairs Branch)
'Nagarayan', DF - 8,
Sector - I, Salt Lake, Kolkata - 700064

ORDER

No. 1448/UDMA-15011(19)/1/2021-LS-MA SEC Dated, Kolkata, the 12th November, 2021

In exercise of the powers conferred by section 7 of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993), the Governor is pleased hereby to classify the municipal area mentioned in column I of the Schedule below (hereinafter referred to as the said Schedule) into the group mentioned against it in column II of the said Schedule on the basis of the population as ascertained at the last preceding census, namely 2011 Population Census, for which the relevant figures have been published.

Schedule

Name of Municipal Area	Classification into Group
(I)	(II)
Bally Municipality	A

By order of the Governor,

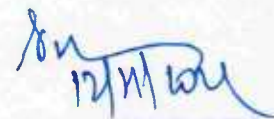


Addl. Secy to the Government of West Bengal

No. 1448/1(9)/UDMA-15011(19)/1/2021-LS-MA SEC Dated, Kolkata, the 12th November, 2021

Copy forwarded for information to the:-

- (1) Secretary, State Election Commission, West Bengal, 18, Sarijini Naidu Sarani, Kolkata-700017.
- (2) District Magistrate, Howrah, P.O. Howrah, Dist. Howrah.
- (3) Director of Local Bodies, West Bengal, Purta Bhaban, Salt Lake, Kolkata - 91.
- (4) Director, State Urban Development Authority.
- (5) Sub-divisional Officer, Howrah Sadar and Administrator, Bally Municipality.
- (6) Director of Census Operation, West Bengal, Janaganana Bhawan, IB - 199, Sector - III, Salt Lake City, Kolkata - 700 106.
- (7) P.S. to the Minister of State (I. C.), UD & MA Departments.
- (8) Sr. P. A. to the Principal Secretary, UD & MA Departments
- (9) Guard file of Statutory Wing.



Additional Secretary

Government of West Bengal
Department of Urban Development & Municipal Affairs
(Municipal Affairs Branch)
'Nagarayan', DF - 8,
Sector - I, Salt Lake, Kolkata - 700064

NOTIFICATION

No. 1449 /UDMA-15011(19)/1/2021-LS-MA SEC

Dated, Kolkata, the 12th November, 2021

In exercise of the powers conferred by section 8 of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993), the Governor is pleased hereby to determine the number of wards mentioned in column II of the Schedule below (hereinafter referred to as the said Schedule) in the municipal area mentioned in column I of the said Schedule having regard to population, dwelling pattern, geographical condition and economic considerations of the area included in each ward:

Schedule

Name of Municipal Area	Number of Wards
(I)	(II)
Bally Municipality	35

By order of the Governor


Additional Secretary to the
Government of West Bengal

No. 1449/1(9)/UDMA-15011(19)/1/2021-LS-MA SEC

Dated, Kolkata, the 12th November, 2021

Copy forwarded for information to the:-

- (1) Secretary, State Election Commission, West Bengal, 18, Sarijini Naidu Sarani, Kolkata-700017.
- (2) District Magistrate, Howrah, P.O. Howrah, Dist. Howrah.
- (3) Director of Local Bodies, West Bengal, Purta Bhaban, Salt Lake, Kolkata - 91.
- (4) Director, State Urban Development Authority.
- (5) Sub-divisional Officer, Howrah Sadar and Administrator, Bally Municipality.
- (6) Director of Census Operation, West Bengal, Janaganana Bhawan, IB - 199, Sector - III, Salt Lake City, Kolkata - 700 106.
- (7) P.S. to the Minister of State (I. C.), UD & MA Departments.
- (8) Sr. P. A. to the Principal Secretary, UD & MA Departments
- (9) Guard file of Statutory Wing.


Additional Secretary

24.03.2022
Sl. No. 14
ss

Annexure B colly

W.P.A. 19972 of 2021

Sankar Mukherjee

Vs.

The Howrah Municipal Corporation & ors.

Mr. Nilanjan Bhattacharjee

Mr. Arpan Guha

... for the petitioner

Mr. Sandipan Banerjee

Mr. Ankit Sureka

... for the H.M.C.

Mr. Apurba Kumar Ghosh

... for the respondents no.6 & 7

The petitioner has approached this Court challenging the inaction on the part of the competent authority of the Bally Municipality to take a decision on the basis of the complaint of illegal construction in respect of holding No.6/1 and 6/2, Amrita Lal Nath Lane, P.O. Belurmath, P.S. Bally, District Howrah.

According to the petitioner, the respondent nos.6 and 7 have raised some constructions after the property has been partitioned between the brothers, without maintaining adequate front space and side space, as required by the building rules.

According to Mr. Bhattacharjee, learned Advocate appearing on behalf of the petitioner, the construction over and above the existing structure could not be done without proper permission from the sanctioning authority and also without following the building rules.

It appears that complaint was lodged with the respondent authorities, but the respondent authorities have not acted and proceeded in accordance with law. Hence this writ petition.

Mr. Ghosh, learned Advocate appearing on behalf of the respondent nos.6 and 7 submits that the construction has been made as per the sanction and there has been no deviation.

As the dispute is with regard to the unauthorised construction, this Court is of the opinion that the petitioner must lodge a detailed complaint with the Administrator of the Bally Municipality and the Administrator of the Bally Municipality shall dispose of the complaint of the writ petitioner in accordance with law, in the following manner :-

- a) An inspection of the premises shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent nos. 6 and 7, within three weeks. Advance notice of the inspection shall be served upon the petitioner and the respondents No.6 and 7. If the parties are not available to accept notice, the authorities shall affix the notices of hearing and inspection at conspicuous places in their respective premises.
- b) In case, it is found on preliminary inspection that there may be reasons to believe that the construction was without permission and was continuing, the

authorities may take such interim measures by stopping such construction.

- c) The report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.
- d) Such report shall be handed over to the parties.
- e) A hearing shall be given to the petitioner and the respondents No.6 and 7. The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contentions, before the competent authority. All points raised by either party, shall be decided. The question of title or boundary dispute, shall not be decided.
- f) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in terms of the statute.

The court has not gone into the merits of the claims and counter-claims of the parties and the issues involved shall be decided independently.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

The petitioner is directed to implead the Administrator of the Bally Municipality namely, the Sub-Divisional Officer,

Howrah Sadar as a respondent in this proceeding. A copy of the writ the petition along with the server copy of this order, be served by the petitioner upon the added respondent.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)

Item No.19

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.07.2023
Ct-24

WPA 6426 of 2022
Priyaranjan Biswas

v.

The State of West Bengal & Ors.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... for the petitioner.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
... for the Bally Municipality.

Mr. Soumitra Bandyopadhyay
Ms. Suchana Banerjee
... for the State respondents.

Mr. Ankit Sureka
Mr. Sobhan Majumder
... for HMC.

Mr. Sandip Kumar Bhattacharyya
Mr. Suman Basu
... for the respondent no. 8.

Leave granted to the learned advocate-on-record of the petitioner to implead the Howrah Municipal Corporation as party respondent and to amend the description of the respondent no. 3 in the cause title of the writ petition.

The formality of serving a copy of the writ petition on the added respondent stands dispensed with as the Howrah Municipal Corporation is already represented by a learned advocate.

The petitioner complains of illegal and unauthorized construction at the instance of the private respondent at premises no. 20/1, Bhujanga Dhar Road, Police Station-Liluah, District-Howrah presently under the jurisdiction of the Bally Municipality.

The petitioner approached this Court on an earlier occasion and the Court by order dated September 24, 2019 passed in WP No. 17101(W) of 2019 directed the Howrah Municipal Corporation to initiate proceeding under Section 177 of the Howrah Municipal Corporation Act, 1980 and complete the same within a period of six weeks. Time limit for compliance of the direction passed by the Court expired long ago.

In the meantime, Bally Municipality was bifurcated from the Howrah Municipal Corporation and the Bally Municipality is presently being run and administered by the Administrator.

It appears that at present steps are to be taken by the Bally Municipality to address the issue of unauthorized construction of the subject premises.

An objection has been filed on behalf of the petitioner before the Bally Municipality and the same is pending consideration.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 5, the Sub-Divisional Officer and Administrator, Bally Municipality to consider

and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of three months from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The parties are directed to render all assistance to the Administrator of the Municipality including production of the sanctioned plan at the time of consideration of the objection filed on behalf of the petitioner. The Administrator of the Municipality shall also take into consideration the counter complaint lodged by the private respondent alleging unauthorized

construction at the instance of the petitioner in the selfsame premises.

The petitioner is directed to forward a copy of the representation dated March 25, 2022 to the aforesaid respondent 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.

Sh

(Amrita Sinha, J.)

62
28.11.2023
A.G.M.

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

W.P.A 16407 of 2023

**Sri Sourav Mondal
-versus
The State of West Bengal & Ors.**

**Mr. Ranajoy Chatterjee.
Mr. Tamal Singha Roy.
...For the Petitioner.**

**Mr. Ayan Banerjee,
Ms. Debasree Dhamali.
...For the Bally Municipality.**

**Mr. Sandipan Banerjee
Mr. Santanu Chatterjee
Mr. Ankit Sureka
Mr. Sobhan Majumdar
... For the HMC.**

The petitioner claims to be a social activist residing at 21, Dewangazi Road. He complains of an illegal construction in respect of holding No. 1, K. N. Chatterjee Street under jurisdiction of Bally Municipality.

A complaint was filed before the Municipality in March, 2022. The petitioner alleges that the Municipality did not take steps to consider the same.

Learned advocate representing the Bally municipality submits, upon instruction that, the petitioner is in the habit of filing writ petitions and at

the same time extracting money from the private parties.

There is no allegation against the Howrah Municipal Corporation in the entire writ petition, but for the reasons best known, the Howrah Municipal Corporation has been impleaded as respondent in the writ petition.

Upon perusal of the documents annexed to the writ petition, the Court is not convinced with the bona fide of the petitioner in filing the writ petition. The intention of the petitioner does not appear to be honest.

The complaint which the petitioner relies upon was filed way back in March 2022 and the instant writ petition has been affirmed on 11th July, 2023. Had the petitioner been so interested to stop unauthorised construction, he ought to have rushed to the Court at the very first instance. The writ petition has been filed after considerable delay.

The submission of the Bally Municipality that the petitioner is in the habit of extracting money from private parties is required to be investigated by the police.

The instant writ petition is disposed of by directing the Bally Municipality to consider and decide the complaint of unauthorised construction at 1, K. N. Chatterjee Street. There is no requirement of granting any opportunity of hearing to the petitioner. Hearing shall, however, be granted to the person(s) found responsible for making unauthorised construction.

The photograph annexed at page 16 of the writ petition appears to have been taken on 7th July, 2022 and the address inscribed in the said photograph is 18, Grand Trunk Road, Liluah, Howrah.

The complaint was made in March, 2022 and the photograph is allegedly in respect of a construction at 18, G.T. Road, Liluah, Howrah and not at 1, K. N. Chatterjee Street. The photograph does not seem to be connected to the holding No. 1, K. N. Chatterjee Street.

The Officer-in-Charge, Bally Police Station is directed to enquire into the antecedents of the petitioner to enquire as to whether he is involved in any type of racketeering of extracting money from unsuspecting builders/developers on the threat of initiating litigations against them. The police shall conduct the enquiry at the earliest and conclude the same by twelve weeks.

If any adverse report is obtained by the police, then necessary steps shall be taken by the police against the petitioner in accordance with law.

The Municipality shall decide the issue of unauthorised construction at the earliest but positively within a period of twelve weeks from the date of communication of this order.

There is no proof of service of the writ petition upon the respondents. Affidavit of service is taken on record.

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.)

Annexure C colly

07.01.2022
(PA – PD)

WPA(P) No. 271 of 2021

IA NO: CAN/1/2021

Mousumi Roy

Vs.

The West Bengal State Election Commission & Ors.

With

WPA(P) No. 299 of 2021

IA NO: CAN/2/2021, CAN/3/2022

Pratap Banerjee

Vs.

State Of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Imtiaz Ahamed,
Mr. Pintu Karar,
Mr. Akash Deep Mukherjee,
Mr. Sayan Banerjee,
Mr. Ankur Sharma, Advocates
... for the petitioner in WPA (P) 271 of 2021

Mr. Satyaki Banerjee, Advocate
... for the respondent no. 1 in
WPA(P) No. 271 of 2021

Mr. Billwadal Bhattacharyya,
Mr. Rajdeep Majumdar,
Mr. Dhiraj Trivedi,
Mr. Brajesh Jha,
Mr. Debanik Banerjee,
Mr. Lokenath Chatterjee,
Mr. Sayak Chakraborti,
Mr. Moyukh Mukherjee,
Mr. Anish Kumar Mukherjee,
Ms. Saudamini Sharma,
Mr. Amrit Sinha, Advocates
... for the Petitioner in WPA(P) 299 of 2021

Mr. Jishnu Saha, Advocate
... for the E.C in WPA(P) No. 271 of 2021

Mr. S.N. Mookherjee, Ld. AG
Mr. Samrat Sen, Ld. AAAG,
Mr. Anirban Ray, Ld. GP,

Mr. T.M. Siddiqui,
 Mr. Raja Saha,
 Mr. Debashis Ghosh,
 Mr. Nilotpall Chatterjee,
 Mr. Avishek Prasad, Advocates
 ... for the State in WPA(P) No. 271 of
 2021 and in WPA(P) No. 299 of 2021

Mr. Jayanta Kumar Mitra,
 Mr. Jishnu Saha,
 Ms. Sonal Sinha,
 Mr. Subhankar Nag, Advocates
 ..for the State Election Commission in
 WPA(P) No. 271 of 2021

Mr. Anuran Samanta, Advocate
 ... for the ECI in WPA(P) No. 271 of 2021

Mr. Sanjay Basu,
 Mr. Soumen Mohanty, Advocates
 ... for the respondent in WPA(P) No. 271 of
 2021 and in WPA(P) No. 299 of 2021

CAN 3 of 2002 has been filed in WPA (P) 299 of 2021 by the State seeking modification of the order dated 23rd December, 2021 in the above petitions. Along with the CAN 3 of 2022 the prayer C made in CAN 1 of 2021 in WPA (P) 271 of 2021 is also taken into consideration as it relates to initiating suo moto appropriate action against the responsible constitutional authority for misleading this Court.

On 23.12.2021 when the matter was heard, Learned Advocate General clarifying the decision in respect of election of Howrah Municipal Corporation had initially stated that a bill was passed by the State Legislative Assembly bifurcating the Howrah Municipal Corporation into Howrah Municipal Corporation and Bally Municipal Corporation and that bill was pending

for before the Hon'ble Governor but later on he had stated before this Court that the Bill had received the assent of the Hon'ble Governor.

In CAN 3 of 2022, the State has sought the modification of the Order dated 23.12.2021 by stating that the Learned Advocate General had made the above statement on the basis of misunderstanding of instructions given to him. It has been clarified that the Bally Municipality has been constituted as per the provisions of West Bengal Municipal Act, 1993 vide notification dated 12th February, 2021 after exclusion of part of area from Howrah Municipal Corporation by passing a resolution in West Bengal Legislative Assembly in terms of Section 219 (3) of the Howrah Municipal Corporation Act, 1980. The West Bengal Legislative Assembly has adopted a resolution in this regard and Schedule 1 (Schedule) of the Act has been amended accordingly by issuing the notification dated 12th February, 2021, but Howrah Municipal Corporation (Amendment) Bill 2021 relating to Amendment of Clause (a) of Sub-Section (1) and Sub-Section (2) of Section 5 of the Howrah Municipal Corporation Act, 1980 is pending before the Hon'ble Governor for his consideration under Article 200 of the Constitution of India and the assent of the Hon'ble Governor has not been received.

Learned Advocate General has tendered unconditional apology for making an incorrect

statement before the Court on 23.12.2021. He submits that the incorrect statement was made before this Court because of some misunderstanding of instructions on his part.

Having regard to the particulars which are disclosed in CAN 3 of 2021 the unconditional apology tendered by the Learned Advocate General is accepted and by allowing the CAN 3 of 2022 the aforesaid part of the Order dated 23.12.2021 is modified and the fact is taken on record that the assent of Hon'ble Governor in the Howrah Municipal Corporation (Amendment) Bill, 2021 is awaited.

Having regard to the fact that a bona fide mistake of making incorrect statement was made by the learned Advocate General, we are not inclined to initiate the suo moto proceedings against the Advocate General or any other authority. The Prayer C in CAN 1 of 2021 is accordingly rejected.

List on 13.01.2022.

(Prakash Shrivastava, C.J.)

(Kesang Doma Bhutia, J.)

30.12.2021
1
ns /RP
Ct.16

**WPA(P) 271 of 2021
With
I.A. CAN 1 of 2021**

**Mousumi Roy.
Vs.
West Bengal State Election Commission & Ors.**

Mr. Imteaz Ahmed,
Mr. Sabyasachi Chatterje,
Mr. Pintu Karar,
Ms. Debolina Sarkar,
Mr. Sayan Banerjee for the petitioner.

Mr. S. N. Mookherjee, Ld. A.G.,
Mr. Arinbay Ray, Ld. G. P.,
Mr. Sanjay Basu,
Mr. T. M. Siddique,
Mr. Soumen Mohanty,
Mr. Raja Saha .. for the State.

Mr. Jishnu Saha, Sr. Adv.,
Ms. Sonal Sinha,
Mr. Shubhankar Nag
.... For the State Election Commission.

Re: I.A. CAN 1 of 2021

This application for appropriate order has been filed pursuant to the notification dated December 28, 2021 issued by the West Bengal State Election Commission in exercise of power under Section 8 of the West Bengal State Election Commission Act, 1994 read with sub-Section (3) of Section 36 of the West Bengal Municipal Elections Act, 1994. By the said notification,

the schedule for election of four municipal corporations, namely, Siliguri Municipal Corporation, Chandernagore Municipal Corporation, Bidhannagar Municipal Corporation and Asansol Municipal Corporation has been gazetted and notified. The Additional Secretary to the Government of West Bengal, Department of Urban Development and Municipal Affairs has also issued a similar notification.

According to Mr. Chatterjee, learned Advocate for the petitioner, neither the State nor the Election Commission has abided by the observations made and directions of the Division Bench in its order dated December 23, 2021. He further submits that the respondents could not have gone back on the undertaking given before this Court, thereby excluding the election of Howrah Municipal Corporation from the notification. It is submitted that the reason behind such action was motivated, mala fide and in order to favour a particular political party. It is further submitted that in view of the misappropriation of funds and other illegal activities, which are going on in the Howrah Municipal Corporation, the election is not being held although the same is due since 2018.

Learned Advocate General appears on behalf of the Department of Urban Development and Municipal Affairs, Government of West Bengal and submits that the application is not maintainable in its present form.

According to him, a proposal was made at the relevant point of time but the said proposal could not be taken as an undertaking or a statement before the Court that elections of all the corporations including Howrah Municipal Corporation would be held definitely on January 22, 2022. He further submits that the allegations are against the Howrah Municipal Corporation but the Board has not been impleaded as a party respondent in this proceeding. He submits that his statement before the Division Bench, recorded at internal page 5 of the order dated December 23, 2021 with regard to bifurcation of Howrah Municipal Corporation into Howrah Municipal Corporation and Bally Municipality and the fact that the Bill had received the assent of the Governor, was mistakenly made by him. He further submits that an application shall be filed in this regard before the regular Bench for modification. He also submits that the contentions of the writ petitioner before this Court are statements from the bar and not reflected in the pleadings.

This Court is of the opinion that other issues with regard to the bifurcation of Howrah Municipal Corporation, creation of Bally Municipality and the prayers which are yet to be decided by the Learned regular Court are not required to be gone into. This Court only restricts its order to the allegations of

excluding the Howrah Municipal Corporation from the notification dated December 28, 2021, for political gain.

We are of the view that the reasons for which the respondents have decided not to hold the election for Howrah Municipal Corporation on January 22, 2022, although there was a proposal submitted before the court, is to be brought on record by way of affidavits. Accordingly, all the respondents are directed to file affidavits clarifying the following position:-

- a) The reason why Howrah Municipal Corporation was excluded from the notification dated December 28, 2021.
- b) Why the proposal of the Additional Secretary to the Government of West Bengal, Department of Urban Development and Municipal Affairs was not accepted by the State Election Commission?
- c) Whether the exclusion of Howrah Municipal Corporation from the notification would amount to a violation of the directions of this Court dated December 23, 2021.
- d) Whether the proposal made was an eye wash and an attempt to non-suit the petitioner, by rendering the primary prayer for a direction upon the respondents to hold simultaneous elections for the municipal corporations and municipal bodies, as infructuous.

Let such affidavit be filed before the regular Bench on January 6, 2022 when the main writ petition has been made returnable. An advance copy of the said affidavit be served upon the petitioner or her learned Advocate-on-Record.

(Shampa Sarkar , J.)

(Bibhas Ranjan De, J.)