

Court No. 17

WPA 11557 of 2023

**18.10.2023**

(AD 10)

(S. Banerjee)

Indrani Panja

Vs.

Howrah Municipal Corporation & Ors.

Mr. Ayan Banerjee  
Ms. Devjani Sengupta  
Ms. Poulomi Ghosh

... for the petitioner

Mr. Sandipan Banerjee  
Mr. Ankit Sureka  
Mr. Sobham Majumder

... for the Howrah Municipal Corporation

Ms. Sinthiya Mukherjee  
Mr. Rameshwar Sinha  
Mr. Arghadip Das

... for the private respondent nos. 6 and 7

The Sub-Assistant Engineer and the Assistant Engineer of the Howrah Municipal Corporation, namely Mr. Amitava Rakshit and Mr. Surit Kumar Mukhopadhyay respectively (i.e. the respondent Nos. 3 and 4) are present in person. They are the responsible officers for taking steps against the illegal construction above third floor. The building in question is a G+6 storied building according to the petitioner and according to the above engineers it is a G + 5 storied building. In any event the 5 floors of the building has been illegally constructed in front of the eyes of the above named engineers.

Despite giving opportunity on the last hearing of this matter the above two persons have not filed any affidavits.

However, the said engineers have completely failed to discharge their duties in taking steps against the unauthorized construction for the reasons best known to them.

An inquiry is required in respect of the above two officers to know why and how they kept their eyes shut as to their duties and if it was for some unlawful gain. How a 5 storied building can be constructed illegally despite the presence of municipal authority which includes their officers like the above two?

I direct the petitioner to add the State Vigilance Commission a party respondent in this matter.

I direct the State Vigilance Commission to start investigation against the assets of the above-named persons whether it is proportionate to their known sources of income or not. The first report/preliminary report of the Vigilance Commission is to be produced before this court on 15<sup>th</sup> December, 2023. The Vigilance Commission shall act expeditiously. If the Vigilance Commission finds during the course of investigation involvement of any other officers of the municipal

authority they shall approach this court for initiating investigation against the other officers.

We all must kept it in mind that a court of law does not exist for shielding the non-performance, (which raises serious doubt), of the duties of some officers of any authority who have failed to perform their duties for which they have been employed.

This matter is marked as 'Heard-in-part'.

**(Abhijit Gangopadhyay, J.)**