



S/L. 17
29.09.2021
Court. No. 19
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WPA 13525 of 2021

Overseas Scrap Trading Corporation
Vs.
The Howrah Municipal Corporation & Ors.

(Through Video Conference)

Mr. S.N. Mukherjee, Sr. Adv.,
Mr. Tarique Quasimuddin,
Ms. Sanchita Chowdhury. *for the Petitioner.*

Mr. Sandipan Banerjee,
Mr. Ankit Sureka. *... for the H.M.C.*

Mr. Nasim Ahmed
Mr. Tauseef Ahmed Khan *..for the State*

The petitioner is aggrieved by the inaction on the part of the Howrah Municipal Corporation in transferring the land in question in favour of the petitioner, despite having accepted the initial deposit as required under the Notice Inviting Tender.

It is submitted by Mr. Mukherjee, learned senior advocate appearing on behalf of the petitioner that the matter is pending with the State Government since long, as the Howrah Municipal Corporation approached the State Government for permission under misconception of law. According to Mr. Mukherjee, the amended provisions of the Howrah Municipal Corporation Act, 1980 does not require any sanction from the State Government for disposal of the property.



Reliance is placed on the provisions of Section 223 of the said Act. Emphasis is laid on the provisions of Section 102 of the Bengal Municipal Act, 1932, in which there was a provision for taking permission from the State Government for sale of any property by the municipality, Mr. Mukherjee submits that as the State Government has kept quite on the issue and has not responded to the request of the Howrah Municipal Corporation for permission in this regard, the Corporation must be directed to complete the process as per the tender and close the sale.

Mr. Sandipan Banerjee, learned advocate for the Howrah Municipal Corporation submits that Section 223 of the Howrah Municipal Corporation Act, 1980 provides that the sale can be effected only in the manner prescribed. According to him, the tender documents itself provided that a permission would be necessary from the State Government. Thus, unless the State Government grants permission for such sale, the Corporation would not be in a position to complete the proceeding.

Having heard the rival contentions of the parties, this Court is of the opinion that the report in the form of an affidavit would be required from a responsible senior official of the Department of Urban Development and Municipal Affairs with such other inputs from



other connected departments, who may be involved in the process clarifying the fact as to whether the request made by the Howrah Municipal Corporation for transfer of the aforementioned land measuring about 25.0861 cottahs in plot no. A and 20.1986 cottahs in plot no.B are the portion of the premises no. 432, G.T. Road(North), P.S. Golabari, Howrah 711101 has been granted or is required under the present law.

Let such report be filed before this Court on the next date of hearing.

Let this matter appear in the list on **November 18, 2021 at the top.**

If no such report is filed along with views and opinion of the State Government, in that case, it will be presumed that the Howrah Municipal Corporation can proceed on the basis of the tender and further reference to the State Government would not be necessary.

(Shampa Sarkar, J.)