



2026:CHC-AS:610

30.11.2021  
Court No. 19  
Item no.02  
CP

WPA 13525 of 2021

Overseas Scrap Trading Corporation  
Vs.  
Howrah Municipal Corporation & ors.

(via video conference)

Mr. Shaktinath Mukherjee, Sr. Advocate  
Mr. Tarique Quasimuddin  
Mrs. Sanchita Chowdhuri

.....for the petitioner.

Mr. Sandipan Banerjee  
Mr. Ankit Sureka

....for the H.M.C.

Mr. Anirban Ray, Ld. G.P.  
Mr. Wasim Ahmed  
Mr. S. Nag

....for the State.

The report as per the direction of this court has been filed in the form of an affidavit by the Additional Secretary, Department of Urban Development & Municipal Affairs. From the report it appears that the Board of Administrators, Howrah Municipal Corporation has not answered certain queries with regard to the title and ownership of the land in question. The other contention of the State respondents is that the tender was held without permission from the Government. It has also been clarified in the report that the above sale was



contrary to the land policy of 2012 issued by the State Government.

Mr. Mukherjee, learned senior advocate appearing on behalf of the petitioner, submits that the report is vague and reasons assigned by the State respondents in not granting the alleged permission are not in consonance with the provisions of the statute. According to him, when the Howrah Municipal Corporation is ready to sell the property, of which the petitioner was a lessee, on 'As Is Where Is Basis' on the basis of a tender floated, there could be no reason why the title of the Howrah Municipal Corporation was required to be looked into. The purchasers shall purchase the property at their own risk. If rival claims are raised by any person, it is only the petitioner who shall suffer the consequences thereof. The Howrah Municipal Corporation shall have no liability in respect of such sale on 'As Is Where Is Basis'.

Records reveal that the Howrah Municipal Corporation had time and again requested the State respondents for the permission as they were interested in the disposal of the property to the highest bidder, i.e., the petitioner in this case. Such proceedings were initiated on the basis of a public tender floated by the Howrah Municipal Corporation.



This court is of the opinion that the Howrah Municipal Corporation should be served with a copy of the report so that the same may be considered by the Board of Administrators and a response to the same can be filed before this court as the only reason why the State of West Bengal seems to have withheld its permission is because certain queries raised by the Government have not been answered by the Howrah Municipal Corporation.

Let such report be handed over to Mr. Ankit Sureka, learned advocate for the Howrah Municipal Corporation within two days from date.

The petitioner shall file exceptions to the report with advance copies to the parties. The Howrah Municipal Corporation shall file a response to the report and the queries raised by the State respondents in the report, on the next date.

Let the matter appear on February 07, 2022 as a 'Fixed Matter' at the top.

In the meantime, the State respondents shall make an enquiry as required to ascertain whether the said lands have ever belonged to any other department of the Government as it is suggested by the learned Government Pleader that there is a possibility that the Howrah Municipal Corporation was never the owner of the lands but the lands might



have been recorded in the name of some other department of the government.

This court expects that the issue should be resolved by the parties once the queries are met by the Howrah Municipal Corporation.

**(Shampa Sarkar, J.)**