

To,
Executive Engineer
Howrah Municipal Corporation
4, Mahatma Gandhi Rd,
Howrah - 711101

Dated: 21/02/2023

Request for Information – as per U/s. 6 of Right to Information Act, 2005

Dear Sir,

I, Chirantan Mukherjee, S/O Late Wg. Cdr. A.K. Mukherjee, am a resident of 56, Dingsai Para Road, under your Municipal Corporation.

Although our locality is serviced by Bally Municipality (as part of Ward No. 5), it is also marked under Ward No. 53 of Howrah Municipal Corporation. Therefore, I am addressing the contents of this letter to you – in accordance to the official website of HMC (<https://www.myhmc.in/list-spio/>) for all building for Ward 51-66. If it is not related to you, please forward the same to SPIO concerned u/s 6(3) of RTI Act, 2005; And, also due to lack of meaningful response from Bally Municipality.

This is regarding a controversial construction in our adjoining plot: 57, which we have already raised with Bally Thana and Bally Municipality. The communications are publicly available for your perusal as below:

<https://www.storyof57.com/archives/request-inspection>

<https://www.storyof57.com/municipality-inspect>

However, even after 10 months of my request to Bally PS, and almost 6 months of my personal request to Bally Municipality – there has been no inspection, that I know of. Furthermore, there has been no confirmation or interaction regarding the same from either of the departments – official, unofficial, written, or verbal.

I will re-iterate my requests as soon as possible, but I am not surprised by their complete lack of initiative. In response to a separate RTI requested through an advocate, the Bally Municipality has claimed to have misplaced our documents of mutation (Deed of Sale No. 1374 dated 02.07.1938 at ADSR, Howrah – Pages 206-208 of Book 1, Volume 21). The interaction is attached herewith and also publicly available for your perusal as below:

<https://www.storyof57.com/rti/municipality-56>

DELIBERATE DISTORTION OF MAP IN DEED #00954 OF 2016 FOR 57, DINGSAL PARA ROAD.
ADJOINING PLOT IS SHOWN AS COMMON PROPERTY, AND OTHER FEATURES THAT ARE NOT CORROBORATED BY THE 3 PARENT DEEDS REFERRED THEREIN.

PLAN OF SALE DEED OF CERTAIN BASTU LAND
WITH TWO STORIED BUILDING UNDER HOLDING
NO. 57, DINGSAL PARA ROAD, UNDER H. N. C.
WARD NO. 53 (BALLY MUNICIPALITY WARD NO. 5);
COMPRISED IN DAG NO. 10034; KHATIAN NO. 5996;
J. L. NO. 14; MOUZA- BALLY; P. S. BALLY;
DISTRICT- HOWRAH.

SCALE: 1" = 20'0"

LAND AREA: 5 KA. 4 CH. 15 S. FT.

AS SHOWN IN RED BORDER

GROUND FLOOR COVERED AREA = 500 SQ. FT.

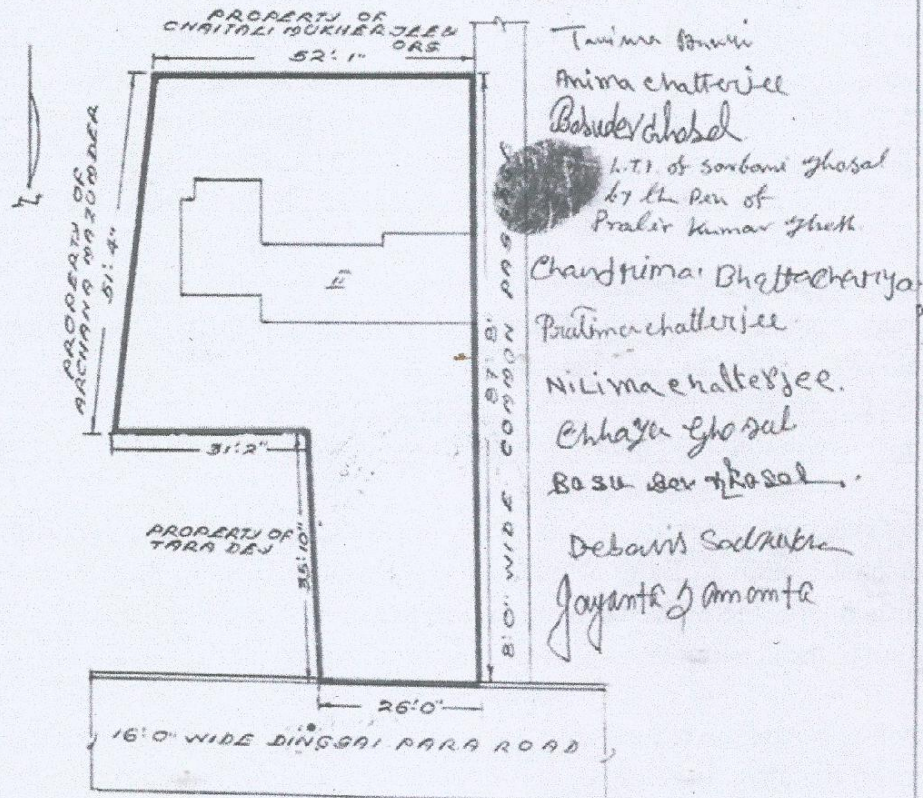
FIRST FLOOR COVERED AREA = 500 SQ. FT.

VENDORS: SRI BASU DEV GHOSAL

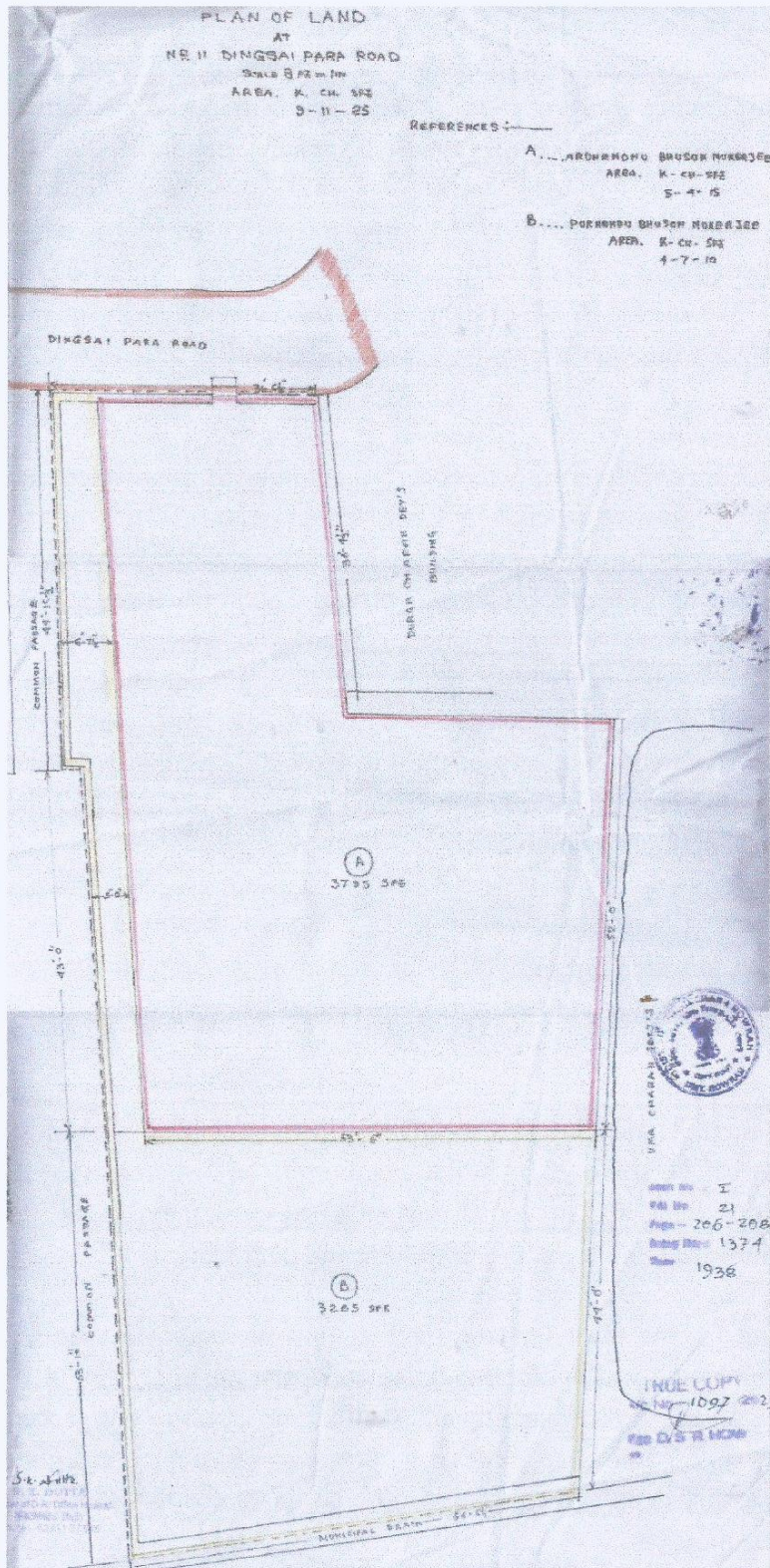
SRI BASU DEV GHOSAL AND ORS.

VENDEES: DEBASIS SADHUKHAN.

JAYANTA SAMANTA.



copy of
Cell



CLARIFIED MAP OF THE DEED #1374 OF 1938 FOR 56, DINGSAL PARA ROAD

CLEARLY IDENTIFIES AND DEMARCATES THE ADJOINING PLOTS CREATED FROM HOLDING 11. THIS IS THE PARENT MAP, OF THE PARENT HOLDING OF BOTH 56 AND 57 DINGSAI PARA ROAD - PURCHASED BY TWO BROTHERS FROM THE SAME OWNER.

THE PLOTS WERE LAIER RE-NUMBERED BY BALLY MUNICIPALITY AS 57 AND 56 - DEMARCATED AS (A) AND (B) IN THE MAP BELOW.

OUR HOLDING: 56, DINGSAI PARA ROAD CONTINUES TO RECIEVE CESC BILLS AS 11/1, DINGSAI PARA RD.

THE SAME MAP IS ALSO PART OF DEED #1373 OF 1938 - MASTER PARENT DEED OF 57, DINGSAN PARA RD.

IT IS CLEARLY MARKED IN FLOURCENT GREEN THAT THE ADJOINING LAND IS PART AND PARCEL OF 56, DINGSAI PARA ROAD, AND IDENTIFYING THE SAME AS 'COMMON' IS A GROSS MISREPRESENTATION IN DEED #00954 OF 2016 - IN PREVIOUS PAGE..

Please refer to the previous pages, for a perspective unavailable to Bally Municipality due to lack of documents – according to their own admission in response to the above RTI, due to which no meaningful inference can be drawn by their inspection! And, no further or relevant communication has been made to us for procuring such information!!!

Additionally, the previous pages are self-explanatory, of how a right to our plot is being fraudulently portrayed and being sold – based on frivolous documents – as part of the ongoing construction at 57, Dingsai Para Road. I further apprehend that other documents are dubiously obtained using such mis-representation – willful, fraudulent and obviously intentional.

And armed with such dubious documentation, our property continues to be invaded and trespassed unhindered, casting a serious concern – not only to our peace and tranquility, but also to our security in our own residential property. In addition to workers being directed and facilitated to trespass into our property, outright hoodlums have started invading and instigating us into offensive circumstances. Meanwhile, new entrants are being provided with possession – who are driving, riding, parking, and otherwise using our property as if they have a right to do so – oblivious of facts, based on misrepresentations – making a complete mockery of the Ld. Executive Magistrate order of U/s 144(2) CrPc (Misc Petition No. 295 of 2022), which is currently extended till the last week February, 2023 and is publicly available for your perusal as below:

<https://storyof57.com/archives/crpc144>

Ironically, we are being forced to watch not only this violation and lawlessness, but also witness our property being muscled-into and being used to violate the very order that is meant to protect it!

I am intrigued at such an attempt and completely fail to understand how a right to trespass an adjoining property can be achieved by building a door in the demarcating wall or demolishing the demarcating wall, and how such a right to trespass may be sold to others, or how such can be converted into a right to drive/ride and park vehicles.

And, it is explicitly important for me to understand their modus-operandi, because we also have other common demarcating walls – for example, tomorrow they may demolish another side of the demarcating wall and start selling and facilitating access to our garden area – that is our private open space, which has direct and open access into our residential house. Unless I have the necessary details, there seems to be no guarantee that they will not venture to attempt such a move in the future – especially because these miscreants clearly and evidently have no respect for the law of the land.

I am also intrigued by the Building Plan that has been sanctioned, or the execution of the said Plan – which not only provides a ‘right to trespass’ into the adjoining property, but also inconveniences our adjoining property in multiple ways. For example:

1. The drainage of water used for cleaning the premises are freely drained into our property – right in front of our entrance, used for our ingress and egress.
2. The drainage system seems to be constructed in a manner that any malfunction would overflow into our property – right in front of our entrance, used for our ingress and egress – as has happened recently already during the construction.
3. The location of the latrine pit is unclear, and tactfully hidden from our view. This seems to be retained from old construction (and not reconstructed) directly in front of our 90-year-old kitchen – objectionably so.

Not only does it pose a threat to our health and hygiene, but the stench at malfunction is unbearable – which we are forced to suffer for no fault of ours.

Under such circumstances, and with the complete lack of initiative from the authorities to rein or restrict such unlawful conduct promoted by these miscreants, I am left with no other alternative but to investigate myself – to get to the root of such evils – literally running from pillar to post, in communicating, filing RTIs, and obtaining documents – in order to protect our residential property from being forcibly encroached upon.

I sincerely hope that in understanding my circumstances, your office will co-operate with the necessary information as soon as possible and unfailingly within 30 days of the receipt of this request attached herewith.

Thanking you, in anticipation of your co-operation.

Yours Faithfully,

Chirantan Mukherjee
21/02/2023

Chirantan Mukherjee
56, Dingsai Para Road,
Bally, Howrah - 711201
Phone: (+91) 9330652853
Email: mchire360@gmail.com

Contents of this Mail:

- A.1-5 : Covering letter, explaining need for RTI;
B.1 : Notification for RTI, along with necessary legal stamps;
C.1-2 : RTI Response from Bally Municipality.

To,
Executive Engineer
Howrah Municipal Corporation
4, Mahatma Gandhi Rd,
Howrah - 711101

Notice u/s. 6 of Right to Information Act, 2005.

Sub: Give some information as noted below.

Ref: Property lying and situated within the holding no.:
57, Dingsai Para Road, PO & PS: Bally,
Dist.: Howrah – 711201

Sir,

Please provide me with information as follows within 30 days
from the date of receipt hereof.

1. That what is the date of sanction and sanctioned Building Plan No. of the current/ongoing construction at the said holding?
2. Based on what documents was the Building Plan sanctioned?
3. By which authority (HMC or Bally Municipality) was the Building Plan sanctioned?
4. What is the date that the latest Assessment and Mutation was done on the said holding, in favour of the present assesseees?
5. By which authority (HMC or Bally Municipality) was the Assessment and Mutation authorized?
6. That provide the details of Registered Deed(s) (i.e. number, parties, and details of registration), based on which the Assessment Register was last updated, and the latest Mutation was done.

Your co-operation is highly solicited.

Thanking you,

Yours sincerely,

Chirantan Mukherjee
21/02/2023

Chirantan Mukherjee
56, Dingsai Para Road,
Bally, Howrah - 711201



Advocate
Howrah Judges' Court

60/3/B, Dingsai Para Road,
Bally, Howrah- 711 201.
Mob. 93308 77412

Date: 20/10/2022

To,
The Administrator
Bally Municipality of
384, G.T. Road, P.O. & P.S.- Bally,
Dist.- Howrah - 711201.



Sub : Information regarding mutation.

Sir,

a) Who is the present assessee ?

Your Co-operation is highly solicited.

Thanking you,

Sanjay Mukherjee
Advocate
20/10/2022

KACB@INDIAPRINTING.COM
 RE: MUMBAI NO. 37111201
 Dated: 14/07/2022, 12:43
 TO: THE ASSISTANT, S& T BUREAU
 PUNJIBL, Delhi 110
 From: SUNDAY MUMBAI, S& T B DINESHRAO
 Sir/Mam,
 Ref: (22.04.2022)
 (Visit on www.indiapost.gov.in)
 -Till 1000/2022. Other Name, Stay Safe



Bally Municipality

384, G.T. Road, Bally, Howrah-711201
Tel.No.:2641-3636, Fax:2641-5846

Memo No. BM/01123/SPIO/RTI-0138/22

Dated 19th, November 2022

From: State Public Information Officer
Bally Municipality


To: Sri Sanjay Mukherjee, Adv.
60/3/B. Dingsai Para Road
P.O. Bally, P.S. Bally
Dist. Howrah
Pin-711201
Phone No. 9330877412

Sub.: Furnishing information under the Right to Information Act 2005.

Ref: Your application seeking information U/S 6 of RTI Act dated 20/10/2022

In reference to your above mentioned application which was duly received by this office on 21.10.2022, seeking information about present assessee in respect of holding No. 56. Dingsaipara Road, P.O. and P.S.Bally, Dist. Howrah-711201. Bally Municipal Ward No. 5, which has been gathered from the concerned department and furnished as under.

- a. That as per office record Purnendu Bhushan Mukherjee is the present assessee of the above noted holding.
- b. That information /documents regarding the mutation in respect of above noted holding is not possible to furnish on date due to transfer of departmental files because of merger of erstwhile Bally Municipality with Howrah Municipal Corporation in the year 2015 and again the same was demerged from H.M.C in the year 2021. In between this period the containing files, registers were misplaced due to transfer. Now department is till now searching of the same and will be furnished as and when found.


State Public Information Officer
Bally Municipality

भारतीय डाक

EW305678605IN IVR:6987305678605

SP UTTARPARA SD <712258>

Counter No:1,21/02/2023,12:26

To:EXECUTIVE ENGINEER,SPIO

PIN:711101, Howrah HO

From:CHIRANTAN M,56 DINGSAI PARA

Wt:45gms

Amt:41.30(Cash)Tax:6.30

<Track on www.indiapost.gov.in>

India Post