

22.12.2020

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58 & 184

W. P.A. 1702 of 2020

Anil Mazumder & Anr.

Vs.

Howrah Municipal Corporation & Ors.

with

W.P.A. 10275 of 2020

Shila Yadav & Anr.

vs.

Howrah Municipal Corporation & Ors.

(Via Video Conference)

Mr. Pinaki Ranjan Mitra
... For petitioners in
WPA 1072 of 2020.

Mr. Debrup Bhattacharjee
Mr. Deepak Kumar Singh
Ms. Meenakshi Singh
Ms. Renuka Pdtrick
... For petitioners in
WPA 10275 of 2020

Mr. Sandipan Banerjee
Mr. Ankit Surekha
... For HMC.

Writ petitions, being W.P.A. 1702 of 2020 and W.P.A. 10275 of 2020, are taken up together. The first bears challenge to demolition notice dated 1st October, 2019. By the notice, inter alia, deviation and additional third floor were stated to be subject-matter of demolition.

Mr. Mitra, learned advocate appears on behalf of petitioners in the first writ petition, who are persons responsible. He submits, the first annexure is notice dated 6th March, 2018 stating unauthorized construction of RCC structure at third floor level over

newly Ground+2 structure. The next disclosure is show cause notice dated 12th February, 2018. Mr. Mitra submits, annexure 'P-3' is demand for retention fees in respect of the construction, found to be deviated and unauthorized. His clients paid the fees and thereafter the Corporation sanctioned building plan for Ground+3, being annexure 'P-7' in the writ petition. Mr. Bhattacharjee, learned advocate appears on behalf of petitioners in the second writ petition. He submits, his clients' grievance is that said demolition notice has not been followed through on action.

Mr. Banerjee, learned advocate appears on behalf of the Corporation and submits, after his client allowed retention of Ground+3, there were further deviation on the sides of the building constructed.

It appears, the Corporation is on one hand allowing retention upon payment of fees and on other hand proceeded to issue demolition notice. It is unclear as to what other deviation needs to be demolished. In any event, subject-matter of demolition notice seems to have been allowed to be retained.

The Corporation will inform petitioners in the second writ petition, on particulars regarding demolition and retention cases. This must be informed within two weeks of communication of this order. Said petitioners, on discovery, will be entitled to make representation to the Corporation regarding retention

allowed and demolition. On receipt of the representation, if made, the Corporation will have three weeks thereafter to call both petitioners for hearing and take a decision in the matter, made known to both of them. Respective petitioners will be entitled to pursue for follow through on the decision to be taken by the Corporation.

With above directions both the writ petitions are disposed of.

(Arindam Sinha, J.)