

22.09.2021
Court No. 19
Item no.12
CP

WPA 10328 of 2021

Asit Kumar Sadhukhan
Vs.
Howrah Municipal Corporation & ors.

(via video conference)

Mr. Ankur Sharma
.....for the petitioner.

Mr. Sandipan Banerjee
Mr. Ankit Sureka

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

Mr. Jaharlal De
Mr. Shamim ul Bari

.....for the State respondents.

Mr. Sanjib Seth

.....for the respondent no. 6.

The allegation of the petitioner is that an unauthorized construction on Holding No. 53, Tripura Roy Lane, Ward No. 11 of Howrah Municipal Corporation has been permitted by the authorities. It is submitted by the petitioner that the unauthorized construction has been going on for some time at great speed and the Howrah Municipal Corporation has not taken any steps for stopping such unauthorized construction.

Mr. Seth, learned advocate appearing on behalf of respondent no. 6, who is the developer, submits that respondent no. 7 has expired and the writ

petition cannot be continued without substituting the heirs of the respondent no. 7.

Mr. Banerjee, learned advocate appearing on behalf of the Howrah Municipal Corporation, submits that steps have already been taken against such unauthorized construction and proceedings under Section 177(1) of the Howrah Municipal Corporation Act, 1980, were initiated and a self demolition order has been served upon respondent no. 6, directing the respondent no.6 to demolish the unauthorized construction as per the order of the competent Executive Engineer, which was passed upon hearing the respondent no. 6.

No further order is being passed in this writ petition as the Howrah Municipal Corporation has already taken steps in the matter and also because Mr. Banerjee assures the court that on the failure of the respondent no. 6 to execute the order of self-demolition, immediate steps will be taken in accordance with law for demolition. Thus, the question of substituting the heirs of the respondent no. 7 in this proceeding does not arise as the writ petition is being disposed of without any mandatory directions.

This writ petition is, thus, disposed of. There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)