

Item No. 35

24.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7987 of 2022

Sk. Abul Basar
v.
The State of West Bengal & Ors.

Mr. Rafikul Isam Sardar
... for the petitioner.

Ms. Sanghamitra Nandi
Mr. Raja Ram Banerjee
... for the State.

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
Mr. Ankit Sureka
... for HMC.

Learned advocate for the petitioner submits that in response to the complaint filed by the petitioner alleging unauthorized construction, a hearing was conducted by the Howrah Municipal Corporation but no final order has been passed as yet.

Learned advocate for the Howrah Municipal Corporation has produced a copy of the communication made by the Assistant Engineer, Borough-VII, Howrah Municipal Corporation dated August 6, 2022 addressed to the person responsible for making construction being the respondent no. 8 herein to demolish the unauthorized construction in accordance with the provisions under Section 177(1) of the Howrah Municipal Corporation Act, 1980.

The communication mentions that if the person responsible fails to comply with the order of self-demolition, then the Corporation authority will cause the order to be carried out and expenses thereof will be recovered as per the provisions of the Act.

As it appears that the order of self-demolition has already been passed by the Howrah Municipal Corporation, accordingly, the Corporation is directed to take steps for implementation of the same strictly in accordance with law.

The writ petition stands disposed of.

Copy of the hearing notice issued by the Howrah Municipal Corporation dated May 6, 2022 and the copy of the communication dated August 6, 2022 addressed to the person responsible be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)