

23.11.2022
Item No.05
Court No.6.
S. De

**M.A.T. 711 of 2022
with
I.A. No. CAN/1/2022**

**M/s. Sakshi Ganga Realtors Private Limited.
Vs
The Howrah Municipal corporation & Ors.**

Mr. Sandipto Bose,
Mr. Devranjan Das,
...for the appellant.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder,
...for the H.M.C.

Mr. Amritam Mandal,
Mrs. Swati Agarwal,
....for the respondent no.11/writ
petitioner.

Exceptions to the report of the Howrah Municipal Corporation filed on behalf of the appellant as also on behalf of the respondent/writ petitioner, be kept with the records.

Mr. Bose, learned advocate appearing for the appellant says that the entire unauthorized construction has been removed.

Mr. Mondal, learned advocate appearing for the writ petitioner/respondent no.11 disputes such contention.

This matter has been pending before us for quite some time. We are of the view that this matter can be disposed of by directing the Corporation to ensure that the entire unauthorized construction is removed, if the

same has already not been demolished, and we so direct. The parties, meaning thereby the appellant and the writ petitioner, will co-operate with the Corporation in the matter of demolition of the unauthorized portion. We clarify that no portion of the building which is authorized and has been constructed adhering to sanctioned plan, will be touched.

We do not interfere with the order of the learned Single Judge as we find no infirmity therein. Consequently, the direction as regards police help remains. Before further action is taken by the Corporation, the competent officer shall give an opportunity of hearing to both the appellant and the writ petitioner and then take necessary action including local inspection of the impugned construction.

The entire exercise shall be completed by the Corporation within twelve weeks from the date of a copy of this order being placed before the competent authority in the Corporation.

MAT 711 of 2022 is, accordingly, disposed of along with the application being I.A. No. CAN/1/2022.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)