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06.09.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 12090 of 2022

**Sri Prasanta Kumar Sinha
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Sukanta Chakraborty,
Mr. Anindya Halder.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Sobhan Majumder,
Mr. Ankit Sureka.
...For HMC.**

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
...For the State.**

**Mr. Uttam Kumar De,
Ms. Writi De,
Ms. Riya De.
...For the Respondent No.6.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner prays for implementation of the self-demolition notice issued by the Officer-in-Charge, Borough-II, Howrah Municipal Corporation requiring the respondent No. 6 to demolish the unauthorized construction made in the premises being No.15/1/2, Sita Nath Bose Lane, Ward No.-10 within the Howrah Municipal Corporation.

The notice was issued way back on 2nd February, 2021 and the same was received by the wife of the respondent No.6 on 3rd February, 2021.

The Howrah Municipal Corporation has thereafter not taken any step to implement the said order of demolition.

Learned advocate appearing for the respondent No.6 submits that a civil suit in connection with the self-same property is pending consideration before the Learned Court below.

It appears from the submissions made on behalf of the parties that construction made by the private respondent by encroaching a portion of the common passage is pending adjudication before the Learned Court below.

The issue before the learned civil forum is regarding encroachment. The issue in the writ petition is regarding unauthorized construction.

On a perusal of the said order of self-demolition, it appears that the details of the unauthorized construction is not mentioned therein but from the hearing-sheet that has been annexed to the writ petition containing the signature of the respondent No.6 it appears that the respondent No.6 admitted that there has been deviation at the time of making construction.

The order of demolition was passed way back in February 2021 but the same is yet to be implemented.

The Howrah Municipal Corporation is accordingly directed to implement the direction passed in the communication dated 2nd February, 2021 at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order provided the same is not set aside/modified/varied by any Court of competent jurisdiction.

The report filed by the Officer-in-Charge, Golabari Police Station be retained with the records.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)