

Item No. 76

26.07.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13133 of 2022
Shibpur Nimtala Sporting Club
v.
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar
... for the petitioner.

Mr. Susanta Pal
Mr. Prabir Kumar Ray
... for the State.

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

Mr. Aniruddha Chatterjee
Mr. Abir Lal Chakraborty
... for the respondent no. 7.

The petitioner is aggrieved by the self demolition notice dated June 24, 2022 issued by the Assistant Engineer, Borough-V, Howrah Municipal Corporation.

It appears that in compliance of an order passed by this Court in WPA 4689 of 2022 an inspection was conducted by the Howrah Municipal Corporation when it revealed that construction has been made recently in the Premises Nos. 69 and 71, Kashinath Chatterjee Lane, Ward No. 33, Howrah in the absence of a sanctioned plan. RCC structures raised on eleven

columns in the ground floor have been constructed measuring 1612 sq. ft.

Order was passed by the Corporation for demolition of the aforesaid unauthorized construction.

The petitioner submits that there was an existing temple which was constructed relying on the basis of the sanctioned plan in the year 1958 and construction was made in the year 1960. Presently only renovation work was going on.

It has been candidly admitted that no sanction was obtained at the time of making the renovation work.

The petitioner claims to have made an application for recalling the order of demolition dated April 21, 2022 and alleges that the same has not been taken up for consideration till date.

Learned advocate for the petitioner has failed to show any provision in accordance with which the order dated April 21, 2022 may be reviewed and recalled by the Assistant Engineer of the Howrah Municipal Corporation.

The order of demolition clearly mentions about the unauthorized construction and the nature and extent of the said unauthorized construction. The petitioner is bound to comply with the said order of self demolition.

No relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)