

Court No. 24
20.01.2022
(Item No. 54)
(AB)

R.V.W. 109 of 2021
With
C.A.N. 1 of 2021
in
W.P.A. 740 of 2021
(via video conference)
M/S. Siddeshwari Construction
VS
Smt. Banasri Mondal & Ors.

Mr. Ayan Banerjee
Mr. Arindam Chatterjee
..... for the petitioner
Mr. Sandipan Banerjee
Mr. Ankit Sureka
..... For H.M.C.
Mr. Siddharth Chowdhury
Ms. Swarnali Saha
..... Respondent No. 1
Mr. Debangana Bhattacharjee
..... for respondent No. 2

It appears from the inspection report dated 5th January, 2022 of the Sub-Assistant Engineer, Bally Municipality that there is a sanction for construction of a G+3 storied building in the premises No. 157, Dewangazi Road, Bally Howrah. A stop work notice was issued under section 177(1) of the Howrah Municipal Corporation Act, 1980 on 13th September, 2019 and a demolition order was issued by the Commissioner, Howrah Municipal Corporation on 31st December, 2019. The Howrah Municipal Corporation demolished the 4th floor of the building on 20th January, 2020. The developer thereafter again reconstructed the 4th floor. As per the direction passed by this Court the developer demolished the roof of the 4th floor.

The Sub-Assistant Engineer inspected the premises on 5th January, 2022 and found that G+3 storied incomplete building is situated there and the 4th floor has

been demolished but the column with beam are standing there.

The private respondent herein is directed to immediately remove the portion that has been constructed beyond the plan sanctioned by the Howrah Municipal Corporation.

It is only after all the illegal construction on the 4th floor is removed, the Corporation will issue a formal order permitting the developer to complete the incomplete construction strictly in accordance with the plan that has been sanctioned by the Howrah Municipal Corporation.

With the above observations the application for review and the contempt application stands disposed of.

The inspection report dated 5th January, 2022 by the Sub-Assistant Engineer of Bally Municipality filed in Court today be retained with the records.

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

(Amrita Sinha, J.)