

Item No.13

23.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17630 of 2022
Sri Amar Pal
-vs.-
The Howrah Municipal Corporation & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K. Raihan Ahmed
Mr. Rudranil Das
... for the petitioner.

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

The petitioner challenges the self-demolition order dated July 25, 2022 issued by the Assistant Engineer, Officer-in-Charge, Borough-1 of the Howrah Municipal Corporation. The said order mentions that the petitioner constructed G+2 storied building deviating from the sanctioned plan. The petitioner submits that though the petitioner has a sanction for constructing a G+2 storied building but construction has been made only upto the first floor level.

During pendency of the writ petition a further inspection and hearing was conducted. The report of the inspection has been placed in Court today.

It appears therefrom that the petitioner made construction in the ground floor where there is deviation of about 26.835 Sq. m. and there is deviation in the first

floor of about 26.835 Sq.m. The total area of deviation at present is about 63.984 Sq.m. There is a deviation in the stair head room approximately 10.314 Sq.m. A copy of the inspection report giving details of the unauthorized construction has been handed over to the learned advocate appearing on behalf of the petitioner in Court today.

The report mentions that the petitioner submitted As Made Plan. The Assistant Engineer, Officer-in-Charge, Borough-1 of the Howrah Municipal Corporation is directed to consider the As Made Plan submitted by the petitioner prior to proceeding any further with the demolition order.

A decision shall be taken in the matter at the earliest, but positively within a period of six weeks from the date of communication of a copy of this order. The petitioner shall be intimated the fate of his prayer for regularization of the construction in accordance with the As Made Plan submitted by him.

If the Corporation is not inclined to regularize the portion which has been constructed in deviation of the sanctioned plan, the reason(s) for refusal shall be communicated to the petitioner immediately thereafter.

The impugned notice of self-demolition dated July 25, 2022 is kept in abeyance for the time being till a decision is taken with regard to the As Made Plan submitted by the petitioner.

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.

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(Amrita Sinha, J.)