

Sl. No.13
09.11.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20673 of 2022

Swapan Mukherjee
versus
The Howrah Municipal Corporation & Ors.

Mr. Soujanya Bandyopadhyay
... for the Petitioner.

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
Mr. Ankit Sureka
... for the Howrah Municipal Corporation

Mr. Arindam Banerjee
Mr. Debdut Mukherjee
Mr. Gaurab Kumar Das
... for the respondent nos.10 & 11

Mr. Naba Kumar Das
Mr. Subhabrata Das
... for the State

The matter relates to the premises no.53/3/C,
Rabindra Sarani, Police Station –Liluah, Ward No.66,
Howrah-711 204.

The petitioner prays for implementation of the
order dated 29th June, 2022 passed by the Assistant
Engineer-in-charge, Building Department, Howrah
Municipal Corporation directing the persons
responsible to cause self demolition of the deviated
portions as mentioned in the joint inspection report
within fifteen days and in default, the Corporation to
cause demolition of the unauthorised construction and

deviated portions and recover the costs from the persons responsible.

It appears that the said order was passed in compliance of the direction passed by the Court in WPA 8799 of 2021.

The said order has not been implemented till date.

Learned advocate for the Howrah Municipal Corporation submits that the Corporation is obliged to take steps for implementing the said order of demolition but as no specific time limit has been mentioned within which the demolition is to be carried out, steps have not been taken as yet.

Learned advocate representing the private respondents submits that an application has been preferred before the Howrah Municipal Corporation praying for regularising the portion which have been directed to be demolished by the Corporation.

It appears from the submission made on behalf of the parties that the order dated 29th June, 2022 is yet to be stayed/set aside/modified by any Court of competent jurisdiction.

The time to cause self demolition has expired long back.

The Howrah Municipal Corporation is duty bound to implement the said order at the earliest.

In view of the above, the present writ petition stands disposed of by directing Howrah Municipal Corporation to take steps for implementing the order dated 29th June, 2022 positively within a period of sixty days from the date of communication of this order, in the event the said order is not set aside/ varied/ modified or stayed by any Court of competent jurisdiction.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)