

08
28.11.2022
d.p.

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

W.P.A 21363 of 2022

**Ramesh Kumar Jaiswal
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Debanik Banerjee,
Mr. Akash Ganguly,
Mr. Aniruddha Ganguly.
...For the Petitioner.**

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

Leave is granted to the learned advocate-on-record of the petitioner to file affidavit-of-service in the course of the day.

The matter relates to unauthorized construction at Premises No. 17/9, Hut Lane.

A G+5 storied building has been constructed without obtaining any sanction from the Howrah Municipal Corporation. Stop work notice was issued. Despite the notice to stop work, the person responsible continued with the unauthorized construction.

The Howrah Municipal Corporation issued self-demolition notice on 13th September, 2019. The same is yet to be implemented.

The petitioner being the complainant prays for a direction upon the Howrah Municipal Corporation to implement the order of demolition.

Representation filed by the petitioner in December 2019 is pending consideration.

None appears on behalf of the person responsible for making construction.

The service upon the person responsible has returned unserved with the postal endorsement "item returned, no such person in the address".

As it appears that the time prescribed by the Corporation within which the unauthorized construction was directed to be demolished by the person responsible has expired, accordingly, the Howrah Municipal Corporation is directed to take steps for demolition of the unauthorized construction in accordance with law and recover the cost of demolition from the person responsible.

The Officer-in-Charge of the jurisdictional police station is directed to render all necessary assistance to the men and agents of the Howrah Municipal Corporation at the time of demolition of the unauthorized construction, if sought for.

Steps shall be taken in the matter at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)