

D/L
Item No. 11
19.12.2022
KOLE

**MAT 1922 of 2022
With
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**Pihu Construction & Anr.
-Vs.-
The Howrah Municipal Corporation & Ors.**

*Mr. Debdut Mukherjee,
Mr. Gourab Kr. Das,
Mr. P. Dutta,*

...for the appellants.

*Mr. Sandipan Banerjee,
Mr. Ankir Sureka,
Mr. Sobhan Majumdar,*

...for the HMC.

Mr. Soujanya Bandopdhyay,

...for the respondent no. 10.

By consent of the parties the appeal and the application are taken up for hearing together.

Read order dated December 13, 2022.

Mr. Banerjee, learned Advocate representing Howrah Municipal Corporation (in short 'HMC') says on instruction, that there does not appear to be any floor deviation from the sanctioned plan. But there are other deviations.

We are not inclined to go into the merits. It appears that the appellant has made an application for regularization. A copy of the application is annexed to the stay petition at page 28. The application is dated April 25, 2022.

We direct HMC to first dispose of such application of the appellant in accordance with law and the applicable building rules, by passing a reasoned order within a period of

six weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the appellants as well as the private respondents or their authorized representatives. The decision so taken shall be communicated to the concerned parties within a week from the date of the decision.

Needless to say, if the application for regularization is allowed by HMC, naturally no further question of demolition will arise. Otherwise, HMC will be at liberty to take appropriate action in accordance with law. The demolition, which is the subject matter of this proceeding, will not be given effect to until the appellant's application for regularization is disposed of and the result is communicated to the concerned parties.

The appeal and the connected application are disposed of.

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

(Apurba Sinha Ray, J.) (Arijit Banerjee, J.)