

21.04.2023
Court No.13
Item No.20
pk

WPA 2986 of 2023

**Mrs. A. K. Augustine and another
Vs.
Howrah Municipal Corporation and Ors.**

Mr. Aniruddha Mitra,
Mr. Anirban Ghosh

... For the Petitioners.

Mr. S. Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder

... For the HMC.

1. The writ petitioners seek intervention of this Court in respect of orders dated 03.01.2023 and 19.01.2023 passed by the Howrah Municipal Corporation (HMC).
2. The HMC has directed the petitioners to vacate the premises to enable them to demolish unauthorised construction. The petitioners had not responded to the notice of self-demolition.
3. Admittedly, the unauthorised building has been constructed about 20 years ago. There is no completion certificate issued till date.
4. The petitioner, in a representation to the HMC, has asked for their unauthorised constructions to be ignored and to demolish the unauthorised construction on the ground floor of the building.
5. The HMC has found unauthorised construction and change of use only on the ground floor and deviation in the other floors. The car parking area

on the ground floor has been converted into commercial establishment.

6. This Court is surprised as to why the HMC has not taken aggressive steps to demolish the unauthorised construction for over twenty years now. The petitioners and the other flat owners on the premises are not only guilty of committing illegality but have also been enjoying the same for the last 20 years.
7. The petitioners and other flat owners have not taken any step against the promoter till date. They are, thus, parties to the illegality.
8. The HMC may take immediate and urgent steps in accordance with law.
9. The aforesaid order shall not prevent the petitioners from approaching the HMC under the Act for any remedies available in law.
10. The writ petition is dismissed.
11. There will be no order as to costs.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)