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

WPA 4949 of 2023

**Anand Kumar Singh
Vs
Howrah Municipal Corporation & Ors.**

With

WPA 6570 of 2023

**Purushottam Chowrasia
Vs
Howrah Municipal Corporation & Ors.**

Mr. Pradeep Kumar
Mr. Jitendra Das

... For the petitioner.

Mr. P. R. Mitra
Mr. Jaydip Basu
Mr. Sugata Mukhopadhyay

... For the private respondent.

Mr. Sandipan Banerjee
Mr. Ankit Sureka

... For the Howrah Municipal Corporation.

Mr. R. N. Dutta
Mr. Hare Krishna Halder

... For the State.

Petitioner prays for a direction upon the Howrah Municipal Corporation to demolish the unauthorised construction carried on at the behest of the private respondent at premises no. 22, Bijay Kumar Mukherjee Road, P.O. Salkia, Golabari, Ward No. 50 under jurisdiction of Howrah Municipal Corporation.

A report has been filed by the Assistant Engineer Borough – II, Howrah Municipal Corporation dated 28.02.

2023 which specifically mentions that all the parties were given an opportunity of hearing and a site inspection was caused to ascertain the extent of unauthorised construction. Report reveals that construction has been done upto G+2 level in deviation of the sanctioned plan. Total deviated area of all floors is 232.374 Sq. meters.

The Howrah Municipal Corporation has issued a self-demolition notice, which is presently required to be acted upon.

It has been submitted that a prayer has been made by Purushottam Chowrasia for regularization of the portion constructed in deviation of the sanctioned plan.

Learned advocate representing the person responsible for making construction has not been able to show any provision of law which permits regularization of 232.374 Sq meters of unauthorised construction.

According to the provisions of the Act, construction may be made only after obtaining the sanctioned plan and strictly in accordance with the plan sanctioned. Minor deviation may be considered for regularization. In the present case, the extent of unauthorised construction is more than 232 sq. meters.

The total area sanctioned for making construction in the ground floor level is 111.586 Sq. meters, sanctioned area in the first floor is 102.639 Sq. meters and the area sanctioned in the second floor is 71.186 Sq. meters.

It appears that the total sanctioned area in all the floors is 285.411 Sq. meters and the total deviated area is 232.374 Sq meters.

The extent of deviation is massive in the present case and there is hardly any provision to regularize the same.

In view of the above, the prayer of the person responsible for making construction seeking regularization of the deviated portion cannot be allowed.

The Howrah Municipal Corporation is directed to take steps for implementation of the order of demolition in accordance with law, at the earliest.

Report filed by the Officer-in-Charge, Golabari Police Station dated 14.03.2023 be retained with the records.

WPA 4949 of 2023 stands disposed of.

WPA 6570 of 2023 stands dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)