

08.06.2023
Item Nos.6&7.
Court No.6.
S. De

**M.A.T. 394 of 2023
with
I.A. No. CAN/1/2023**

**Smt. Soma Karar.
Vs
Howrah Municipal Corporation & Ors.**

And

M.A.T. 393 of 2023

**Smt. Soma Karar.
Vs
Howrah Municipal Corporation & Ors.**

Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee,
...for the appellant in both
the appeals.
Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. Raihan Ahmed,
...for the respondent no.5 in
both the appeals.
Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder,
...for the H.M.C.

By consent of the parties, both the appeals and
the connected application are taken up together for
hearing and are disposed of by this common judgment
and order as both the appeals are directed against the
same order.

The judgment and order dated February 8, 2023
which is sought to be impugned in these two appeals,
disposed of two writ petitions being WPA 26649 of
2022 (Sri Sanjoy Samanta Vs. The Howrah Municipal

Corporation & Ors) and WPA 21034 of 2022 (Smt. Soma Karar Vs. Howrah Municipal corporation & Ors.)

It appears that the Howrah Municipal Corporation (HMC), at the instance of Sanjoy, passed an order of demolition of a structure that was put up by Soma at the concerned premises. Alleging inaction on the part of HMC in implementing such demolition order, Sanjoy approached the learned Single Judge with his writ petition. Soma filed her writ petition challenging the demolition order.

By the impugned judgment and order Sanjoy's writ petition was allowed and Soma's writ petition was dismissed. Hence, these two appeals at the instance of Soma.

We are told that the demolition order has been executed. The impugned structure, which Soma claims, was not a permanent structure, has been demolished by HMC. Therefore, nothing remains of these two appeals.

However, this will not prevent Soma from making appropriate application in accordance with law to HMC seeking permission to put up any structure that she may wish to. If such an application is made by Soma, a copy thereof will be marked to Sanjoy. HMC shall decide such application in accordance with law and the applicable rules and regulations after hearing all concerned parties including Sanjoy.

Since we have not called for affidavits, the allegations contained in the stay application are deemed not to be admitted by the respondents.

M.A.T. 394 of 2023 and M.A.T. 393 of 2023 are, accordingly, disposed of along with the application being I.A. No. CAN 1 of 2023.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)