

13.02.2023

sl.no.25

SS

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

W.P.A. 7392 of 2022

Md. Shafique Khan @ Md. Safik

Vs.

The Howrah Municipal Corpn. & Ors.

Mr. Javed K. Sanwarwala

Mr. Shariq A. Sanwarwala

... for the petitioner

Mr. Sandipan Banerjee

Mr. Ankit Sureka

Mr. Sobhan Majumder

... for H.M.C.

The petitioner complains of illegal and unauthorised construction at 40/3, Jola Para Masjid Lane, P.S. Howrah within the jurisdiction of the Howrah Municipal Corporation. Objection was filed against the said illegal and unauthorized construction.

During the pendency of the writ petition, the objection of the petitioner was taken up for consideration and an order has been passed by the Assistant Engineer in Charge, Building Department, Howrah Municipal Corporation on 29th July, 2022 directing the person responsible to cause self-demolition of the G+4 storied building with an area of 1430 sq. ft. per floor.

As it appears that the complaint of the petitioner has already been disposed of by passing an order of self-demolition, accordingly, the Corporation is directed to take consequential steps in the matter, in accordance

with law, to ensure that the unauthorised construction is demolished at the earliest.

As the person responsible failed to comply with the notice of self-demolition, accordingly, the Corporation shall take steps to demolish the unauthorised construction, and recover the cost of demolition from the person responsible, in accordance with law.

The Commissioner of Police, Howrah Police Commissionerate and the Inspector-in-Charge, Howrah Police Station are directed to take steps to vacate the building and render all necessary assistance to the men and agents of the Howrah Municipal Corporation so that the demolition work can proceed without any hindrance.

The order of demolition dated 29th July, 2022 be retained with the record.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)