

13.09.2023
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AN/Ct. No. 24

WPA 10764 of 2023

**Sri Suraj Kamkar
versus
The Howrah Municipal Corporation & ors.**

Mr. Sunny Nandy
Mr. Satya Prakash Shaw
Mr. Tamal Singha Roy
Ms. Angela Bhattacharyya

... for the petitioner

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
Mr. D. Ganguly

... for respondent no. 8

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhon Majumder

... for the HMC

The instant writ petition is in respect of the unauthorised construction at 4, Hat Lane, Howrah, Ward No. 29 under the Howrah Municipal Corporation. The petitioner submits that the Corporation sanctioned plan for raising construction of G+3 storied structure. The private respondents constructed three additional floors without any sanction. The petitioner seeks for a direction upon the Corporation to take steps against such unauthorised construction.

Learned counsel for the Howrah Municipal Corporation submits, upon instruction that, additional

floors have been constructed without obtaining sanction from the Howrah Municipal Corporation.

Learned counsel appearing for the private respondent no. 8 submits that the Howrah Municipal Corporation already issued a self-demolition order on 29.11.2022. Challenging the said self-demolition order, the private respondent no. 8 filed writ petition being WPA 26951 of 2022 and this Court was pleased to pass order on 12.06.2023 directing the Corporation to keep the impugned order of self-demolition in abeyance for the time being.

It appears from the order dated 12.06.2023 that the Commissioner or his delegate was directed to conduct spot inspection to ascertain the extent of deviation/unauthorised construction; thereafter to afford opportunity of hearing to the petitioner i.e. the private respondent herein and take reasoned decision in the matter. The inspection and the subsequent hearing was directed to be concluded at the earliest but positively within a period of four months.

Learned counsel appearing for the Howrah Municipal Corporation submits that in compliance of the order passed by the Court, inspection was duly conducted.

It appears that the time period for taking a final decision in the matter is yet to be over. The Corporation is directed to take steps in strict compliance of the order dated 12.06.2023.

As the Corporation has already detected unauthorised construction, to avoid multiplicity of legal proceeding, the private respondent is restrained from transferring/alienating/selling or creating any third party interest in respect of the subject structure.

All points are kept open to be decided by the respondent authority at the time of considering the issue of unauthorised construction.

The instant writ petition stands **disposed of**.

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

(Amrita Sinha, J.)