

CL 133
06.12.2023
d.p.

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

W.P.A. 11027 of 2022

**Sailesh Chandra Dey
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Pinaki Ranjan Mitra.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder.
...For HMC.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner is aggrieved by the order of retention passed by the Howrah Municipal Corporation on 28th March, 2022 and the subsequent order of demolition of the tin shed structure dated 5th May, 2022.

Submission of the petitioner is that apart from the tin shed structure, there are other unauthorized constructions liable to be demolished. The Corporation is not taking steps for demolition of the unauthorized construction of an entire additional floor.

Learned advocate appearing for the Howrah Municipal Corporation draws attention of the Court to the prayers made in the writ petition.

It appears therefrom that the petitioner has sought for setting aside the order of demolition dated 5th May, 2022.

Learned advocate appearing for the petitioner clarifies the issue and submits that apart from the tin shed structure which has been directed to be demolished, there are other constructions which are unauthorized. An additional floor has been constructed unauthorizedly which is required to be demolished.

Upon hearing the parties, it appears that the grievance of the petitioner may be redressed, if the order of demolition dated 5th May, 2022 is implemented by the Howrah Municipal Corporation.

At the same time, the Corporation is directed to cause further spot inspection to ascertain the additional unauthorized construction at premises no. 2/1, Jadu Mukherjee Lane, Ward No. 43, Borough-VII of the Howrah Municipal Corporation upon giving prior notice to all the necessary parties.

If further unauthorized construction is detected, then necessary steps in accordance with law to deal with the same shall be taken by the Corporation.

The Corporation shall take steps for demolition of the tin shed structure in compliance of the order dated 5th May, 2022 at the earliest, but positively within a period of three months from the date of communication of this order.

Further unauthorized construction, if any, shall be dealt with at the earliest, but positively within a

period of twelve weeks from the date of communication of this order.

The Officer-in-Charge of the Batra Police Station is directed to render adequate police protection to the men and agents of the Howrah Municipal Corporation at the time of implementing the order of demolition.

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.)