

WPA 12850 of 2023

Faiyaz Ahmed & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Arshad Hussain.
... for the petitioners

Mr. Sandipan Banerjee,
Mr. Ankit Surekha.
... for the H.M.C.

Mr. Samirul Bari,
Mr. Md. Hasanuz Zaman.
... for the State

In this writ petition the petitioners have challenged an order dated May 15, 2023 issued by the Assistant Engineer in-Charge of Building Department, Howrah Municipal Corporation.

The petitioners were asked to demolish the unauthorised construction at the relevant premises.

It has been submitted by the learned Advocate for the petitioners that there has been some minor deviation from the original sanctioned plan.

The petitioners have made a representation before the Assistant Engineer on May 20, 2023 for regularisation of the alleged unauthorised construction.

Learned Advocate appearing for the Howrah Municipal Corporation submits that the deviation is not minor in nature, in fact, the petitioners have raised one extra floor beyond the sanctioned plan.

Without entering into the factual disputes, this Court disposes of the writ petition with a direction upon the Assistant Engineer, Howrah Municipal Corporation to consider the representation dated May 20, 2023, within a period of one month from date.

The petitioners shall be given an opportunity of hearing by the said Assistant Engineer, respondent no. 6 before passing the order.

Needless to mention this Court has not gone into the merits of the case, the respondent no. 6 shall decide the case of the petitioners in accordance with law.

Accordingly, WPA 12850 of 2023 is disposed of.

(Kausik Chanda, J.)