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04.07.2023  
d.p.

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

**W.P.A 15423 of 2023**

**Smt. Manjusha Koley  
-versus  
The State of West Bengal & Ors.**

**Mr. Mrityunjoy Chatterjee,  
Mr. Debapriya Majumder.  
...For the Petitioner.**

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

In compliance of the order passed by this Court, the Howrah Municipal Corporation considered the allegation of unauthorized construction and has come to a finding that the petitioner is guilty of raising unauthorized construction.

Direction has been passed for demolishing the unauthorized G+1 storied masonry building with asbestos shed on pucca wall in the ground floor of the subject premises.

Fifteen days' time has been granted for demolishing the subject structure failing which the Corporation would take steps to demolish the same and realize the cost of demolition from the petitioner.

Learned advocate appearing for the petitioner submits that after the order was passed by this Court, the petitioner approached the Howrah Municipal

Corporation for sanctioning a building plan for raising construction thereon. A plan for raising G+1 storied structure has been sanctioned by the Corporation.

The petitioner submits that some time will be required for demolishing the existing structure and to raise construction in terms of the plan sanctioned.

As it appears that the petitioner has already obtained a sanctioned plan in the meantime and seeks extension of time for demolishing the existing structure so that the new construction can be initiated and concluded within the validity period of the sanctioned plan, accordingly, leave is granted to the petitioner to apply before the Howrah Municipal Corporation apprising all the aforesaid facts.

If such an application is made giving details of the construction to be made by the petitioner within a fortnight from date, then the same shall be considered by the Corporation in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties within three months thereafter.

Till a decision is taken by the Corporation, no coercive steps shall be taken for demolishing the existing structure.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**( Amrita Sinha, J.)**