

D/L
Item No. 01
10.10.2023
KOLE

MAT 1340 of 2023

**Sri Ganesh Kanthua @ Kathua & Anr.
-Vs.-
The State of West Bengal & Ors.**

*Mr. Sukumar Bhattacharyya,
Mr. Shyamal Das,
Ms. O. Chatterjee,*

...for the appellants.

*Ms. Noella Banerjee,
Ms. K. Paul,*

...for the State.

*Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumdar,*

...for the Municipality.

*Mr. Mrityunjay Chatterjee,
Mr. D. Majumder,
Mr. T. Hazra,*

...for the respondent no. 4.

Read order dated October 9, 2023.

Learned Advocate for the respondent no. 4/writ petitioner has come back with instructions. He says that his client is unable to deposit any money in Court. However, his client has no objection if Howrah Municipal Corporation demolishes any unauthorized construction that the Corporation may find at the premises in question. The respondent/writ petitioner will not cause any obstruction.

Learned Advocate for the appellants, on instruction, says that the Corporation may not remove the entire unauthorized construction. Hence, this court should appoint a Special Officer to go and ascertain what is the extent and nature of unauthorized construction.

We are unable to accede to the request of learned Advocate for the appellants. The Corporation is the civic authority, statutorily entrusted with the power of ensuring that there are no unauthorized constructions within its territorial limits. We are sure that the Corporation shall take necessary steps for removing the unauthorized construction that the respondent/writ petitioner may have made. In case the Corporation finds that it is practically not possible to demolish certain portions of the unauthorized construction, as it may have adverse consequences for the entire property or neighbouring properties or the like, a reasoned order will be recorded by the Corporation in the form of a compliance report in that regard. A copy of such report will be made available to the appellants and the writ petitioner. The entire exercise is to be completed by the Corporation by the end of November, 2023. It is made clear that both the appellants and the writ petitioner shall extend full cooperation to the Corporation during the course of demolishing the unauthorized construction.

Since this appeal already stands disposed of, let the matter go out of list.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)