

ML 181
25.01.2023
d.p.

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

W.P.A 19030 of 2021

**Sudip Koley & Anr.
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Ayan Kumar Boral,
Mr. Sabyasachi Bhattacharyya.
...For the Petitioners.**

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

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

None appears on behalf of the private respondent in spite of service.

The petitioners seek implementation of the order of demolition passed by the Assistant Engineer, Borough-VII, Howrah Municipal Corporation on 29th June, 2021.

It appears that a self-demolition notice under Section 177(1) of the Howrah Municipal Corporation Act, 1980 was issued to the private respondent with a direction to demolish the unauthorizedly constructed portion within fifteen days.

The details of the unauthorized construction are, however, not clear from the said notice.

In view of the above, the Howrah Municipal Corporation is directed to take steps for implementation of the order of demolition after issuing fresh notice clearly mentioning the nature and extent of the deviation/unauthorised construction so that the person responsible is in a position to identify the area or the portion which is required to be demolished, being unauthorised.

The Assistant Engineer of the concerned borough, if required, may cause fresh spot inspection to identify the portions constructed unauthorizedly so that the same may be mentioned in the demolition notice to be served.

Steps shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The order of demolition shall be communicated to the petitioners as well as to the person responsible for making such construction.

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.)