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20.09.2023
d.p.

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

W.P.A 17959 of 2023

**Madhu Sudhan Debnath
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Bhudeb Bhattacharyya,
Mr. Subhom Ghosh,
Mr. Ashis Kumar Dutta.
...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.

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

The petitioner seeks implementation of the order dated 30th December, 2022 passed by the Assistant Engineer, Borough-V, Howrah Municipal Corporation for demolition of the unauthorized construction at holding no. 94/1, Abinash Banerjee Lane, P.S.-Shibpur, Ward No. 33, Howrah Municipal Corporation.

As it appears that the Corporation has passed an order of demolition by holding that unauthorized construction exists at the subject premises,

accordingly, the Corporation is duty bound to implement the said order of demolition, provided the same is not set aside/ varied/ vacated by a Court of competent jurisdiction.

The Corporation is, accordingly, directed to take steps for implementation of the order dated 30th December, 2022 in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

It will be open for the Howrah Municipal Corporation to seek assistance from the concerned police station at the time of implementing the order of demolition for the purpose of vacating the occupants of the unauthorized structure.

Leave is granted to the learned advocate-on-record of the petitioner to rectify the typographical error in respect of the respondent no.4 in the cause title and in the prayer of the writ petition.

The correct Borough number will be Borough-V and the correct Section mentioned in the prayer portion will be 177 of the Howrah Municipal Corporation Act, 1980.

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.)