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24.08.
2023
Ct. No.14

WPA 20559 of 2023

Bajrang Kumar Shah & Anr.
Vs.
Howrah Municipal Corporation & Ors.

Mr. Partha Ganguly
Mr. Swarvanu Saha
.....For the Petitioner
Mr. Sandipan Banerjee
Mr. Ankit Sureka
.....For the Howrah Municipal
Corporation

Mr. Sandipan Banerjee, learned counsel who ordinarily represents the Howrah Municipal Corporation is requested to represent the Corporation in this case. His appointment may be regularized in due course.

A copy of the writ petition is handed over to learned counsel in court representing the Howrah Municipal Corporation.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the residents of the building in respect of which the Howrah Municipal Corporation has served a notice for demolition of the illegal construction. The petitioners seek to have the purported irregularity regularized. At least a further hearing may be given for this purpose.

Learned counsel appearing on behalf of the

Howrah Municipal Corporation submits as follows. The notice of demolition was given as far back as on 3rd May, 2023. Furthermore, there is no provision of regularization of illegal construction under the Howrah Municipal Corporation Act. In this particular case the illegality is that two extra floors were constructed at the premises in addition to the sanctioned plan.

First, The notice of demolition was served long back.

Secondly, purported illegality is that two extra floors were illegally constructed in a plan, which sanctioned G+3 building.

In view of the above, I do not find any merit in the writ petition and the same is dismissed.

However, there shall be no order as to costs.

(Jay Sengupta, J.)

Later:

At this stage learned counsel for the petitioners prays for stay of operation of the order.

The same is considered and is rejected.

(Jay Sengupta, J.)

