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01.02.2023
d.p.

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

W.P.A 21439 of 2022

**Kapur Debi @ Kapur Devi Shaw
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Amitava Pain,
Mr. Subhrangshu Datta.
...For the Petitioner.**

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

**Mr. Arif Ali.
...For the Private Respondent.**

The report as directed to be filed by order dated 21st December, 2022 is yet to be filed.

It has, however, been submitted by the learned advocate appearing for the Howrah Municipal Corporation that the premises in question was inspected and 112 sq.mt. was found to be constructed in deviation of the plan sanctioned.

A self demolition notice was issued way back in November 2019, but it appears that the demolition is yet to be carried out.

The self-demolition notice is of the year 2019 and the petitioner contends that after the issuance of the

said notice, the private respondent continued with the unauthorized construction.

To ascertain the nature and quantum of unauthorized construction, a fresh inspection is required to be conducted upon prior notice to the parties.

The Howrah Municipal Corporation is accordingly, directed to conduct a fresh inspection to identify the portion constructed unauthorizedly in each of the floors in deviation of the plan sanctioned or without any sanction plan.

The report of spot inspection shall be served upon both the parties. An opportunity of hearing shall be given to all the parties to defend their stand.

The Corporation shall take immediate steps to deal with the unauthorized construction in accordance with law.

The aforesaid exercise shall be concluded at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The unauthorized structure, as detected, shall positively be demolished within a period of eight weeks thereafter.

The Officer-in-charge of Howrah Police Station is directed to render all necessary co-operation and assistance to the men and agents of the Howrah Municipal Corporation at the time of demolition of the unauthorized construction, if sought for.

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.)