

04
03.10.2023
Court No. 24
A.G.M.

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

W.P.A 22593 of 2023

**Smt. Tapati Ray & Anr.
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Aniket Mitra,
Mr. Swarvanu Saha.
...For the Petitioners.**

**Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobham Majumdar.
...For HMC.**

The petitioners are aggrieved by the notice of demolition dated 31st August, 2023.

According to the petitioners, the structure in question is in place since 1960. It is only on the complaint filed by one of the co-owners for taking revenge, that the demolition proceeding has been initiated.

The building in question is only G+1 storied.

Learned advocate representing the Corporation submits, upon instruction that, there is no plan for raising construction at the subject site.

The construction is entirely unauthorised.

The first floor of the subject structure has been constructed lately.

It appears from the submissions made on behalf of the parties that the structure in question does not appear to be a huge one. It is a G+1 storied building.

The Engineer-in-Charge is directed to conduct a spot inspection upon prior notice to the petitioners to

ascertain as to whether the structure in question is liable to be demolished or not.

The petitioners will be obliged to file necessary structural stability certificate, if called for.

On receipt of the spot inspection report, an opportunity of hearing shall be afforded to the parties. Thereafter, a decision shall be taken in the matter.

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

Till a fresh decision is taken, the impugned order of demolition shall not be given effect to.

Leave is granted to the petitioners to implead the Commissioner, Howrah Municipal Corporation as party respondent. The formality of serving a copy of the writ petition upon the added respondent stands dispensed with as learned advocate has already entered appearance on behalf of the Corporation.

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.)