

11.10.2023
Item No.35.
Court No.6.
AB

F.M.A. 1337 of 2022
With
I A CAN 1 of 2022

Gopal Chandra Addy
Vs
The State of West Bengal & Others

Mr. Debabrata Roy,
Ms. Sumitra Das,
Ms. Sarbani Mukhopadhyay...for the Appellant.

Ms. Shebatee Datta,
Ms. Poulami Roy
...for the Respondent Nos.8 to 10.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumdarfor the HMC.

Read order dated September 20, 2023.
Undertaking has been filed by the appellant in terms
of the aforesaid order and let the same be kept with
the records.

Learned Advocate for the private respondent
nos.8, 9 and 10/writ petitioners says, on instructions,
that the private respondents shall themselves remove
the unauthorized construction. Learned Advocate says
that the 'as made' plan that was submitted to the
Corporation by the private respondents reflects the
nature and extent of unauthorized construction and
following such plan, the unauthorized portion will be
demolished.

Mr. Ray, learned Advocate representing the appellant, on instructions, says that the 'as made' plan does not reflect the entire unauthorized construction.

To obviate any controversy, we direct Howrah Municipal Corporation to inspect the concerned premises once again and prepare a demolition sketch clearly indicating the nature and extent of the unauthorized construction that exists. Copy of such demolition sketch shall be made available to the appellant as well as the private respondents. Let that exercise be completed within six weeks from date. Upon receipt of the demolition sketch from the Corporation, the private respondents, as soon as possible and definitely by the end of January, 2024, remove the unauthorized structures as indicated in the demolition sketch.

The Assistant Engineer, Borough IV, Howrah Municipal Corporation shall once again inspect the concerned premises in February, 2024, to ascertain as to whether or not the private respondents have removed the entire unauthorized construction. If it is found that the same has not been done, the Corporation will be at liberty to do so in accordance with law. In the event, it is found that the entire unauthorized structures have been removed by the private respondents, the private respondents will be at liberty to make any application to the Corporation as

they may be desirous of and the Corporation shall consider the same in accordance with law.

No useful purpose will be served by keeping this appeal pending.

The appeal and the connected application stand disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)