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22.11.2023
d.p.

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

W.P.A. 23200 of 2023

**Sushil Kumar Ghorai
-versus
The State of West Bengal & Ors.**

**Ms. Pampa Dey (Dhabal).
...For the Petitioner.**

**Ms. Noelle Banerjee,
Ms. Srijani Mukherjee.
...For the State.**

**Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Mr. Sourav Ghosh.
...For Respondent No.7.**

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

Affidavit-of-service filed in Court today is taken on record.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent at A/11, Arabinda Park corresponding to Dag no. 537 (RS), 1091 (LR), Mouza-Jagacha.

The petitioner relies upon a communication forwarded by the Howrah Municipal Corporation under the Right to Information Act, 2005 intimating the petitioner that the construction has been made in deviation of the sanctioned plan and stop work notice

has been issued in favour of the person responsible for making construction.

The petitioner prays for an order directing Howrah Municipal Corporation to deal with the unauthorized construction.

Learned advocate appearing for the Howrah Municipal Corporation submits, upon instructions, that the proceeding to deal with the unauthorized construction concluded by passing an order of self-demolition on 14th September, 2023.

Learned advocate appearing for the private respondent submits that the order of self-demolition has been challenged before the 6th Court of the Learned Civil Judge (Junior Division), Howrah in Title Suit No. 1587 of 2023 and order has been passed by the Learned Court on 13th October, 2023 restraining the defendants from changing the nature and character of the suit property till 24th November, 2023.

The Howrah Municipal Corporation has been arraigned as defendant in the pending suit.

As it appears that the private respondent has approached the appellate forum challenging the order of demolition, accordingly, no further order be passed in the instant writ petition.

It will be open for the petitioner to approach the forum where the appeal is pending, for necessary relief.

The self-demolition notice dated 14th September, 2023 and the order passed by the Learned Civil Judge be retained with the records.

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.)