

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

**W.P.A 24607 of 2023**

**Arati Dhar & Ors.  
-versus  
The Howrah Municipal Corporation & Ors.**

**Mr. Amitava Pain  
...For the petitioners.**

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

**Mr. Subhas Chandra Atha  
Mr. Amit Pachal  
Ms. Soumita Shaw  
...For the Private Respondent.**

The petitioner complains of illegal and unauthorised construction in holding 59/A/1/2, Kshetra Mitra Lane, Ward No. 12 under the jurisdiction of the Howrah Municipal Corporation.

Learned advocate representing the private respondent nos. 4 and 5 denies the allegation of the petitioners. It has been submitted that construction has been made in accordance with the permission granted by the Howrah Municipal Corporation.

It has been submitted that two civil suits in connection with the selfsame property is pending consideration before the learned Court below and order of status quo has been passed.

Learned advocate representing the Howrah Municipal Corporation has obtained instruction

wherefrom it appears that unauthorised construction has been detected and steps have been taken under Section 177 (1) of the Howrah Municipal Corporation Act, 1980. The self demolition notice is yet to be executed.

At present the structure is a three storied building (G+2) which is fully complete and fully occupied.

As it appears from the instruction forwarded by the Corporation that unauthorised construction has been detected, accordingly, steps shall be taken to deal with such unauthorised construction and implement the order of demolition that has been passed at the earliest but positively within a period of twelve weeks from the date of communication of this order.

It will be open for the Howrah Municipal Corporation to seek assistance of the local police at the time of implementing the order of demolition, if required. The police will take steps for vacating the occupants who are in possession of the structure constructed unauthorisedly.

The writ petition stands disposed of.

The instruction signed by the Sub Assistant Engineer and the Assistant Engineer, Borough-II, Howrah Municipal Corporation dated 16<sup>th</sup> October, 2023 be retained with the records.

Affidavit-of-service filed today in Court be kept with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**( Amrita Sinha, J.)**