

02. 03.08.2023
bd. Ct.15

W.P.A. 25259 of 2018

Sujit Kumar Bose

-vs-

Howrah Municipal Corporation & Ors.

Mr. Supratim Dhar

Mr. Tirupati Mukherjee ... for the petitioner.

Mr. Sandipan Banerjee

Mr. Ankit Sureka

Mr. Sobham Majumder ... For the HMC

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner and Howrah Municipal Corporation when an exception has been filed by the petitioner to the report of Howrah Municipal Corporation. In the exception contents of the report of the Howrah Municipal Corporation are disputed.

It emanates from paragraph 8 of the report of Corporation that during process of demolition one RCC Column at western side which is adjacent to Holding No. 26/5, Fakir Pathak Lane, Bally, Howrah, which was only supporting column of cantilever was demolished but another RCC Column could not be demolished since demolition of the said column would endanger of the structural stability of the premises in question.

According to the learned advocate representing the petitioner such fact narrated in paragraph 8 of the report is untrue and demolition of rest of the part which has been constructed

unauthorisedly would not endanger the structural stability of the premises in question.

It is indisputable that the premises in question situate at the site which now falls under the jurisdiction of Bally Municipality. Bally Municipality is not party to the present writ petition. Therefore, at present if Court accepts the contention of the petitioner with regard to the structural stability of the premises in question it would be improper to direct the concerned authority of Howrah Municipal Corporation to complete the demolition process.

In view of aforesaid situation the writ petition stands disposed of upon granting leave to the petitioner to take steps in accordance with law, if so advised, by lodging complaint before the concerned authority of Bally Municipality.

There shall be no order as to costs.

Exception filed on behalf of the petitioner is taken on record.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)