

02. 01.12.2023
Court No.6
Tanmoy Ghosh

MAT 2253 of 2023
Uma Roy
-Versus-
Sri Subrata Sadhukhan & Ors.
With
IA No: CAN/2/2023

Mr. Arunava Maiti, Adv.

...for the appellant.

Mr. Sandipan Banerjee, Adv.,
Mr. Ankit Sureka, Adv.,
Mr. Sobhan Majumder, Adv.

...for the Howrah Municipal
Corporation.

Mr. Md. Sarwar Jahan, Adv.,
Mr. Kaustav Roy, Adv.

...for the respondent no.6.

By consent of the appearing parties, the appeal and the connected application are taken up together for hearing.

Read order dated November 22, 2023.

Mr. Banerjee, learned Advocate for Howrah Municipal Corporation (in short, 'HMC'), files a report dated November 14, 2023. From the report it appears that the top two floors, i.e., the third and fourth floors of the building in question are completely unauthorized. Sanction was granted for constructing a G+2-storeyed building. The promoter has raised two extra floors. Demolition activity started on November 6, 2023. However, not much progress had been made. This is because certain specialized techniques need to be

employed, as appears from the report. Let the report be kept with the records.

In view of the fact that third and fourth floors of the concerned building are not backed by any sanctioned plan, we see no apparent infirmity in the order of the learned Single Judge.

The appellant says that she is occupying a portion of the third floor having purchased that portion in May, 2023. She has not been heard before the demolition order was passed. The appellant also says that she has not been made a party in the writ petition.

We make no comment on whether or not the appellant was required to be heard. Since we find no infirmity in the order impugned, the appeal being MAT 2253 of 2023 and the connected application being IA No: CAN/2/2023 stand dismissed. This will not prevent the appellant from approaching the learned Single Judge with appropriate application in the pending writ petition, if she is entitled to do so in law. If the appellant approaches the learned Single Judge with any prayer, the learned Judge is requested to decide the same in the manner His Lordship deems fit and proper.

All concerned parties shall act on the server copy of this order, duly downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(M.V. Muralidaran, J.)