

Item No.8

In the High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

15.12.2023  
Ct-24

WPA 27224 of 2023  
Achchey Lal

v.

The State of West Bengal & Ors.

Mr. Soumyajit Bhatta  
Mr. Prasenjit De  
... for the petitioner.

Mr. Amitesh Banerjee  
Mr. Suddhadev Adak  
... for the State.

Mr. Sandipan Banerjee  
Mr. Ankit Sureka  
Mr. Sobhan Majumder  
.... for HMC.

Supplementary affidavit filed by the petitioner is taken on record.

It appears that on September 5, 2023 a self-demolition notice was issued by the Corporation mentioning that the person responsible constructed unauthorized construction i.e. the G+3 storied building deviating from the sanctioned plan and the 4<sup>th</sup> floor without sanction.

A subsequent self-demolition notice dated November 24, 2023 mentions that the person responsible constructed unauthorized construction that is G+blank deviating from the sanctioned plan and G+3<sup>rd</sup> floor without sanctioned plan.

It is the specific case of the petitioner that no inspection was conducted prior to issuance of the self-

demolition notice. The details of the unauthorized construction are not mentioned in the self-demolition notice. No opportunity of hearing was given to the petitioner.

Without entering into the details of the case at this stage as it appears that the two self-demolition notices differ from each other, accordingly, to put the issue at rest, the Howrah Municipal Corporation is directed to cause a fresh spot inspection to ascertain the nature and extent of unauthorized construction upon prior notice to all the necessary parties. The spot inspection report shall be circulated. Thereafter an opportunity of hearing shall be given to the parties.

The person responsible for making construction or the owner will be liable to produce the sanctioned plan before the Corporation at the time of hearing. The spot inspection shall be conducted at the earliest but positively by December 29, 2023. The entire proceeding shall be concluded at the earliest but positively within a period of sixty days from the date of circulating the spot inspection report.

The impugned orders of self-demolition dated September 5, 2022 and November 24, 2023 are set aside.

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.

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**(Amrita Sinha, J.)**