

08.06.2023  
Item No.8  
gd/ssd

WPA(P)/641/2022  
SK. JAHANGIR  
VS  
THE STATE OF WEST BENGAL AND ORS.

Mr. Suddhadev Adak  
..for the Petitioner.

Mr. Jahar Lal De,  
Mr. Shamim ul Bari  
..for the State.

Ms. Mekhla Sinha,  
Ms. Malabika Roy Dey  
..for Howrah Zilla Parishad.

Mr. Tanmoy Mukherjee,  
Ms. Shebatee Datta,  
Ms. Poulami Roy,  
Mr. Souvik Das,  
Mr. K.R. Ahmed  
..for the Respondent No.10.

1. As prayed for by the learned advocate for the petitioner, the District Engineer, Howrah Zilla Parishad is added as the party respondent to this writ petition.

2. The learned advocate-on-record of the petitioner is granted leave to amend the cause-title of the writ petition.

3. Since Howrah Zilla Parishad is represented by its learned advocate, there is no necessity to serve a copy of the writ petition upon the added respondent.

4. The affidavit-in-reply to the affidavit-in-opposition of the Howrah Zilla Parishad filed by the 10<sup>th</sup> respondent is taken on record.

5. This public interest litigation has been filed praying for a direction upon the Howrah Zilla Parishad to demolish the unauthorized construction put up by the 9<sup>th</sup> and 10<sup>th</sup> respondents to this petition.

6. In spite of notice, the 9<sup>th</sup> respondent is unrepresented at the time of hearing.

7. The learned advocate representing the petitioner draws the attention of the Court to the order passed by the District Engineer, Howrah Zilla Parishad wherefrom it appears that the Assistant Engineer of the concerned Zilla Parishad during the course of inspection at the site found that the 9<sup>th</sup> respondent i.e. Sk. Golam Mahinuddin already completed one G+2 storied building structure without any sanctioned plan from the Howrah Zilla Parishad. It was further recorded that the property was not demarcated with boundary wall or with any pillar. It further appears from the said order that the Zilla Parishad granted an opportunity to the 9<sup>th</sup> respondent to submit a revised plan showing the structure existing upon the said property.

8. Mr. Mukherjee submits that the Vires of the provision allowing submission of the revised plan to regularise the illegal construction in the Byelaws has

been challenged in a writ petition and the same is pending. This Court need not enter into that aspect as it appears from the affidavit-in-opposition filed by the concerned Zilla Parishad that no such revised plan has been submitted by the 9<sup>th</sup> respondent.

9. In view thereof, since the construction was put up by the 9<sup>th</sup> respondent without any sanctioned plan and the direction of the Howrah Zilla Parishad in the order dated 18.11.2022 was not complied with by the 9<sup>th</sup> respondent, we direct the District Engineer, Howrah Zilla Parishad, being the added respondent no.11 to this writ petition to take steps to demolish the unauthorized construction put up by the 9<sup>th</sup> respondent within a period of four weeks from the date of receipt of a server copy of this order. In so far as the construction put up by the 10<sup>th</sup> respondent is concerned, the Zilla Parishad will be free to take steps in accordance with law, in case the Zilla Parishad is of the opinion that the same is an unauthorized one.

10. With the above directions, the writ petition stands disposed of.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**