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01.03.2024
d.p.

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

W.P.A 1778 of 2024

**Jyotirmoy Sadhukhan
-versus
The State of West Bengal & Ors.**

**Mr. Dev Kumar Sharma.
...For the Petitioner.**

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

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee,
Mr. Kaustav Bhattacharya,
Ms. Sinjini Chakraborty,
Ms. Priyanka Jana.
...For the Respondent No. 7.**

The unauthorized construction at 15/1, Jadab Das Lane, Ward No. 37 under Howrah Municipal Corporation is facing an order of demolition passed by the Officer-in-Charge, Borough-VI on 30th June, 2023. The said order of demolition was passed allegedly in compliance of the direction passed by this Court in WPA No. 16896 of 2022 (Smt. Chhabi Rani Dolui –vs- Howrah Municipal Corporation & Ors.).

Specific contention of the petitioner is that the portions which are required to be demolished are not mentioned in the order of demolition.

Learned advocate appearing for the private respondent i.e. the complainant submits, upon instructions, that additional construction has been

made over and above the portion which was permitted to be retained by the Howrah Municipal Corporation.

The order of demolition clearly mentions that the person responsible for making construction confessed at the time of hearing that two storied unauthorized construction has been done without leaving any open space.

The portion which has been held to be unauthorized is distinctly mentioned in the notice of self-demolition dated 30th June, 2023. The construction of pucca room at 1st floor level over the newly casted R.C.C. roof on the ground floor structure in the North-West corner of the premises no. 15/1, Jadav Das Lane has been specifically held to be unauthorized being constructed without any sanction plan.

The order of self demolition was passed long back and the time period within which the same was directed to be complied expired long ago. The said order has attained finality by now and the petitioner shall be liable to self-demolish the same without any further delay.

The Howrah Municipal Corporation shall take necessary steps in the event the petitioner fails to act in accordance with the self-demolition order.

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.

(Amrita Sinha, J.)