

D/L
Item No. 06
28.02.2024
KOLE

**MAT 216 of 2024
With
IA No. CAN 1 of 2024**

**Bhanumati Devi Rajbhar & Ors.
-Vs.-
Howrah Municipal Corporation & Ors.**

*Mr. Ritzu Ghosal,
Ms. Juin Dutta Chakraborty,
Mr. Bidan Modak,
Mr. Madhumita Paul,*

...for the appellants.

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

...for the HMC.

Mr. Debasish Kundu,

...for the respondent no. 6.

*Mr. Rishav Singh,
Mr. Sagar Mishra,
Mr. Khushi Gupta,
Mr. Soumalya Dutta,*

...for the respondent no. 7.

Read order dated February 6, 2024.

Mr. Ghosal, learned Advocate for the appellants candidly submits, on instruction, that the appellants are not in a position to deposit any sum of money with the Registrar General of this Court as guarantee for permitting them to demolish the impugned construction themselves.

In that view of the matter and in view of the admitted fact that the impugned construction is unauthorized, Howrah Municipal Corporation (in short 'HMC') shall demolish the same in accordance with the demolition order passed by it. However, on humanitarian grounds, we grant six weeks' time, as requested by the learned Advocate for the appellants, for the appellants to vacate the concerned premises to enable HMC to carry out the necessary demolition work. The appellants shall put HMC on notice on

the date of completely vacating the concerned premises and hand over possession thereof to HMC's authorized representative. This must be done within six weeks from date.

HMC will thereafter forthwith take up the work of demolition of unauthorized construction and complete the same as soon as possible and definitely within eight weeks from the date of receiving vacant possession from the appellants.

Learned Advocate for the respondent no. 7/writ petitioner says that in view of the conduct of the appellants, HMC should take penal action against them. We say nothing regarding that. It is up to the Commissioner of HMC to take a decision on that count.

In view of the fair stand taken by the appellants, we do not anticipate any resistance from their side or from anybody on their behalf to HMC carrying out the demolition order. However, if any such resistance is offered, HMC would be entitled to approach the jurisdictional police authorities in terms of the order of the Learned Single Judge and if so approached, the police authorities shall render all possible assistance and extend all cooperation to HMC to implement the relevant demolition order.

The appeal and the connected application are, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Gaurang Kanth, J.)

(Arijit Banerjee, J.)