

Item No.186-ML

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

01.05.2024
Ct-24

WPA 4045 of 2024
Biprajit Khan

v.

The Howrah Municipal Corporation & Ors.

Ms. Puja Beriwal

... For the petitioner.

Mr. Swapan Banerjee

Mr. Diptendu Narayan Banerjee

... for the State.

Mr. Mukul Lahiri, Sr. Adv.

M. Prasenjit Burman

Ms. Payel Koley

... for the respondent nos. 6 to 8.

Mr. Sandipan Banerjee

Mr. Ankit Sureka

Mr. Sobhan Majumdar

Ms. Shetparna Ray

... for HMC.

Mr. Jaydeep Kar, Sr. Adv.

Mr. Biswajit Mukherjee

Ms. Ankita Mondal

Ms. Souri Ghosal

... for the respondent no. 5.

The petitioner claims to be a flat owner of the construction at 233/3, Netaji Subhas Road within the jurisdiction of the Howrah Municipal Corporation.

Unauthorized construction being detected at the said structure, steps were taken for demolition of the unauthorized construction.

The petitioner is apprehensive that at the time of demolition of the unauthorized portion, the authorized portion of the petitioner may be damaged.

The instant writ petition is disposed of by directing the Howrah Municipal Corporation to conduct the demolition work in such a manner so that the portions which were constructed in accordance with the sanctioned plan are not damaged.

The Corporation shall take steps strictly in terms of the order passed by the Hon'ble Division Bench on December 15, 2023 in MAT 1892 of 2023 with CAN 1 of 2023 (Shibasis Ghosh & Ors. -vs- Howrah Municipal Corporation & Ors.).

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.)