

63 16.04.2024
AN Ct. No. 01
RP

LPA 1 of 2024
with
IA No. CAN 1 of 2024

Seema Ghoshal & anr.
Vs.
Arabinda Nath Jati & Ors.

Mr. Animesh Paul

... For the Appellant

Mr. Sandipan Banerjee
Mr. Ankit Sureka

... For the HMC

Mr. Dyutiman Banerjee
Mr. Vishal Mallick

... For the private respondent

1. This is an appeal filed against an order passed by the learned Single Judge in CPAN 1476 of 2023 in WPA 4013 of 2023 dated 23.02.2024.

2. It is not in dispute that the appellant has installed a lift without obtaining any permission from the Howrah Municipal Corporation and electrical connection was given to the lift by the Chief Electrical Inspector without following proper procedure which is now been set aside. A cost of Rs. 50,000/- has also been imposed on the said authority which appears to be not been complied with till date. The fact remains that the lift has been put up unauthorisedly. The contempt applicant viz. Arabinda Nath Jati has contended that the lift has blocked his window and it is touching the wall of his flat.

3. Learned counsel for the applicant would vehemently deny such an allegation. Be that as it may, a lift cannot be installed without obtaining appropriate permission from the Municipal Corporation and various other authorities.

4. Therefore, we direct the applicant to dismantle the lift not later than 21.04.2024. Thereafter, the applicant is granted permission to file an application before the Howrah Municipal Corporation within one week from the receipt of such application. The authorities of the Howrah Municipal Corporation shall inspect the premises and pass appropriate orders as to whether a lift is permissible of being installed or not. In the event, a building cannot be permitted to have a lift, then the Municipal Corporation is directed to pass an order with regard to as to how and in what manner the construction which is stated to be put up is to be dismantled.

5. In the result, LPA 1 of 2024 stands **dismissed**. Consequently, the application being CAN 1 of 2024 is also dismissed.

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)