

06
02.04.2024
AGM

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

W.P.A 8241 of 2024

**EMCO AROMATIC & Ors.
-versus
The State of West Bengal & Ors.**

Mr. Sudipta Dasgupta
Mr. Arka Nandi
Ms. Shalini Ghosh

... for the petitioners.

Mr. S.L. Adak

... for the respondent no. 13.

Mr. Mekhla Sinha
Mr. Malabika Roy Dey

... for the Howrah Zilla Parishad.

Mr. Pinaki Dhole
Mr. Ananya Neogi

... for the State.

Mr. Sounak Bhattacharya.
Mr. Sounak Mondal.
Mr. Abhirup Halder.

... For the respondent no. 12.

The petitioner is aggrieved by the order passed by the District Engineer, Howrah Zilla Parishad directing demolition of the entire unauthorised construction made over L.R. plot nos. 400 and 411.

Learned advocate for the petitioners submits that there is a valid sanctioned plan for raising construction upon the aforesaid plot of lands. The Zilla Parishad, without giving any opportunity of hearing to the petitioners, passed the order of demolition.

According to the petitioners the land was purchased in the year 2014 and sanction was obtained for raising construction in the year 2022. Conversion certificate was also obtained for changing the

classification of the land in question in the year 2021. The Howrah Zilla Parishad, without looking into the aforesaid documents, passed the order of demolition.

Be it recorded that the Zilla Parishad considered the matter in terms of the direction passed by this Court on 17th August, 2022 in WPA 7412 of 2020 (Sri Palash Mondal -Vs- State of West Bengal & Ors) wherein a report was filed by the Assistant Engineer, Howrah Zilla Parishad and the Sabhadhipati, Howrah Zilla Parishad mentioning that no permission was granted for making construction over L.R plot Nos. 400, 405, 411, 417 and 422 of Mouja Purbannapara, District Howrah since 2013 till date.

An order was also passed by the Block Land and Land Reforms Officer, Domjur, Howrah on 11th March, 2020 mentioning about the encroachers in the aforesaid plot of lands. Relying upon the instruction of the Howrah Zilla Parishad and the order of the Block Land and Land Reforms Officer, the Court directed the Howrah Zilla Parishad to decide the issue.

The Howrah Zilla Parishad was of the opinion that the construction in question was unauthorised and, accordingly, passed order of demolition.

As the learned advocate appearing for the present petitioners have produced before this Court a sanctioned plan and has submitted that the construction has been made in accordance with the same, accordingly, the impugned order dated 7th March, 2024 is directed to be kept in abeyance for the time being.

The Howrah Zilla Parishad is directed to grant a fresh opportunity of hearing to all the necessary parties and thereafter decide as to whether the construction in question is in accordance with the provisions of law.

A decision shall be taken in the matter within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Amrita Sinha, J.)