

Sl. 18
09.09.2024
Suman
Ct.No.15

WPA 9430 of 2024

Bholanath Jana
Vs.
The State of West Bengal and Ors.

Mr. Sagnik Bhattacharya
..for the petitioner

Mr. Sourav Mitra
..for the State

Mr. Sanjib Seth
..for respondent nos. 6 to 8.

Mr. Sandipan Banerjee
Mr. Ankit Surekha
Mr. Sobhon Mazumder
..for Howrah Municipal Corporation.

It does not appear that the petitioner has a bona fide grievance; rather, it seems that he has an axe to grind with respondent nos. 6 to 8.

The petitioner alleges unauthorised construction at the behest of respondent nos. 6 to 8 who are his neighbours.

The alleged unauthorised construction is a “Thakur Ghar” on a G+1 building. The Corporation does not dispute that respondent nos. 6 to 8 have a G+1 building sanctioned plan.

I am of the view that the “Thakur Ghar” should not be demolished by the Corporation merely because of the allegation of the petitioner.

I am of the view that the impugned construction should be regularised in the light of the provision.

Accordingly, the writ petition is disposed of with a direction upon the Commissioner, Howrah Municipal Corporation to take steps for regularising the impugned construction in terms of third proviso to Section 177 of the Howrah Municipal Corporation Act, 2017, within a period of two months from the date of communication of this order.

Needless to mention that respondent nos.6 to 8 shall pay necessary regularisation fees as may be determined.

Accordingly, the demolition order issued by the Corporation is set aside and **WPA 9430 of 2024** is disposed of in terms of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)