

Sl. No.37
10.12.2024
Suman
Ct. 15

WPA 13135 of 2024
With
CAN 1 of 2024

Asit Kumar Roy and Anr.
Vs.
Howrah Municipal Corporation and Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das
Mr. Soumava Santra
..for the petitioners

Mr. Kartick Kumar Bhattacharya
Ms. S. Dutta
Ms. Papiya Naskar
..for the added respondents.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Ms. S. Roy
..for Howrah Municipal Corporation

The petitioners challenge the demolition order dated April 16, 2024, issued by the Assistant Engineer, Borough – VII of the Howrah Municipal Corporation.

In CAN 1 of 2024, the applicants intend to support the demolition order issued by the Corporation.

The Corporation has filed a report.

This Court issued the following order on July 8, 2024:

“Let the supplementary affidavit filed by the petitioners be kept with the records.

The order impugned dated April 16, 2024, does not reflect the fact that in respect of premises no.1, Andul Road, the Corporation had regularised the relevant construction by an order dated November 15, 2008, on payment Rs.200000/- (rupees two lakh only) as fees for regularisation. It also appears that in respect of premises no.1/C, Andul Road, the petitioners obtained a sanctioned plan in the year 2015. The order impugned also does not take into consideration of that fact.

In view of the aforesaid, there shall be stay of operation of the impugned order dated April 16, 2024 and the subsequent order dated May 6, 2024 for a period of six weeks from date.

List this matter after two weeks under the same heading.

In the meantime, the Corporation shall file its report in response to the allegations made in the writ petition.

Interim order shall continue for a period of six weeks.”

When the matter was taken up for hearing today, the learned advocate representing the petitioners submitted the sanctioned plan for premises No. 1/C, Andul Road. A copy of the sanctioned plan was provided to the learned advocate for the applicants in CAN 1 of 2024.

The learned advocate for the Corporation, however, submits that the petitioners failed to produce the sanctioned plan at the time of the hearing before the Corporation.

There is no dispute regarding the stance taken by the petitioners before this Court on July 8, 2024.

I am of the view that the building at premises no. 1, Andul Road, was also regularised by the Corporation in 2015. There is no justification for issuing a demolition order in respect of the said building at 1/C, Andul Road,

as it was constructed in accordance with the sanctioned plan provided by the Corporation.

Therefore, the order dated April 16, 2024, cannot be sustained and is hereby set aside.

Accordingly, **WPA 13135 of 2024**, along with **CAN 1 of 2024**, is disposed of.

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.)