

03.06.2024

Sl. 6
Ct.No. 5
K.B/
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13700 of 2024

Sk. Shorab Ali and ors.
Vs.
State of West Bengal and ors.

Mr. Partha Sarathi Bhattacharyya,Ld.Sr.Adv.
Mr. Kazi Sajjad Alam
...for the petitioners

Mr. Somnath Ganguli
Ms. Sukla Das Chandra
Mr. Soumen Chatterjee
Mrs. Rituparna Moitra
...for the State

Affidavit of service filed by the petitioners is
taken on record.

An order of demolition of unauthorised
building was passed by Maheshtala
Municipality. The petitioners claim to be the
occupiers of the said unauthorised construction.
They made a prayer before the Maheshtala
Municipality requesting regularization of the
unauthorised construction upon payment of
penalty charges. It has been submitted that
there are twenty families in the said
unauthorised structure.

The learned senior counsel representing the
petitioners is unable to produce any provision of

law which permits regularisation of unauthorised construction of G+4 storied building upon payment of penalty charges. In the absence of specific legal provision, no direction can be passed upon the Municipality for consideration of the request made by the petitioners.

Admittedly, the structure in question is a G+4 storied building, constructed without any sanctioned plan. No mercy can be shown to such unauthorised construction and they are liable to be demolished without any unnecessary delay.

The prayer of the petitioners seeking direction to consider their prayer for regularisation cannot be accepted.

It has been submitted by the learned senior counsel representing the petitioners that notice of hearing was not served upon all the occupants. The Municipality shall ensure that the demolition is carried out strictly in accordance with law.

The writ petition being WPA 13700 of 2024 fails and is hereby dismissed.

All parties are to act in terms of the server copy of this order duly downloaded from the official website of this Court.

Urgent certified photocopy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Amrita Sinha,J.)