

12.11.2024
Item No.5
Ct. No.26
CHC
(disposed of)

MAT 955 of 2024
IA NO: CAN/1/2024

Sri Ajit Pandey
Vs.
Manju Devi Shaw & Ors.

Mr. Animesh Paul, Advocate
...appellant

Mr. Prasenjit Mukherjee, Advocate
Mr. Joy Chakraborty, Advocate
Mr. Ranjit Malakar, Advocate
...for the respondent nos.1 & 2

Mr. Swapan Banerjee, Advocate
Ms. Sumita Shaw, Advocate
Mr. Debottam Das, Advocate
...for the State

Ms. Mekhla Sinha, Advocate
Ms. Malabika Roy Dey, Advocate
...for the Howrah Zilla Parishad

1. Appeal is at the behest of the private respondent in W.P.A. 8703 of 2024.
2. Appeal is directed against the order dated March 28, 2024 passed in such writ petition.
3. Challenge in the writ petition was an order of demolition dated May 2, 2023 passed by the District Engineer, Howrah Zilla Parishad.
4. District Engineer, Howrah Zilla Parishad in passing the impugned order purported to exercise powers under West Bengal Panchayat (Amendment) Act, 2017.

5. District Engineer is not the authority vested with the powers under the Act of 2017 to consider the issue of unauthorized construction and passed an order of demolition.
6. Learned Single Judge noted such fact and found that, the order of demolition pass was without jurisdiction. Learned Single Judge rightly set aside the order of demolition.
7. In such circumstances, we find no merit in the present appeal.
8. M.A.T. 955 of 2024 along with all connected applications are disposed of without any order as to costs.
9. Court is informed that, the application for unauthorized construction is pending consideration before the Hearing Officer. The next date of hearing is on November 20, 2024,
10. It would be appropriate to request the Hearing Officer to consider and decide such application as expeditiously as possible and preferably within six weeks from the date of communication of this order. Hearing Officer is requested not to grant unnecessary adjournments to the parties.
11. Since the private respondents are represented, the Hearing Officer may serve notice of the hearing upon the learned advocates appearing for the private

parties herein. It is placed on record the next date of hearing on November 20, 2024.

12. Learned advocates for the private parties assure this Court that their respective clients would be represented at the hearing before the Hearing Officer without the requirement of service any further notice, on November 20, 2024.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)