

04.11.2024
Sl. No.A 37
Ct. No.15
S.A.

WPA 15794 of 2024

Ashok Kumar Roy

-vs-

The Howrah Municipal Corporation & Ors.

Mr. Arijeet Bhattacharjee

...for the petitioner

Mr. Ankit Sureka

...for Howrah Municipal Corporation

The petitioner challenges a demolition notice dated April 16, 2024, issued by Howrah Municipal Corporation.

A plain reading of the said demolition notice makes it apparent that it does not specify as to which part of the relevant building is deemed unauthorised.

In absence of such specification, in my view, the demolition notice dated April 16, 2024, cannot be implemented.

On that sole ground, I set aside the demolition notice dated April 16, 2024.

I direct Howrah Municipal Corporation to cause a fresh inspection and clearly identify the unauthorised portion by preparing a demolition sketch map.

The petitioner shall be given due notice of the inspection.

Let the entire exercise be completed within a period of two months from the date of communication of this order.

Needless to mention that thereafter the petitioner shall demolish the unauthorised part as identified by the Corporation.

If the petitioner fails to undertake such demolition work, the Corporation will be at liberty to implement the demolition order in accordance with law.

The petitioner shall not create any third party interest over the property in the meantime.

Accordingly, **WPA 15794 of 2024** is disposed of.

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

(Kausik Chanda, J.)