

WPA 16509 OF 2024

Sk. Murtoja Ali & Ors.

- Vs -

The Howrah Municipal Corporation & Ors.

12.09.2024

Sl no. 77

Ct no. 15

P.M.

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. R. Ahmed,
Mr. Rudranil Das,
Mr. Soumava Santra,
Mr. Tapas Chatterjee

... for the petitioners

Mr. Sandipan Banerjee,
Mr. Ankit Sureka

... for Howrah Municipal Corporation.

Mr. Ayan Mitra

... for respondent No. 5

It appears that in compliance with the order dated September 27, 2022, passed in the earlier writ petition, WPA 9649 of 2022 (Sk. Badsha – vs – Howrah Municipal Corporation & Ors), Howrah Municipal Corporation passed a reasoned order and also a consequent demolition order regarding the second floor at the relevant premises.

The said demolition order has already been executed.

Thereafter the Municipal Corporation issued another notice dated 9th April, 2024, requiring the petitioner to demolish the alleged unauthorized construction on the ground and the first floor.

It is not in dispute that petitioner has a sanctioned plan in respect of a G+1 building. On a perusal of the order dated April 9, 2024, it is apparent that the corporation did not indicate as to which part of the first floor and ground floor are unauthorized.

The notice dated April 9, 2024 is too vague to be complied with.

Accordingly the notice dated April 9, 2024 is set aside.

It however, appears that a contempt application has been filed by respondent No. 5 for alleged non-compliance with the order dated September 27, 2022, passed in WPA 9649 of 2022.

The parties before this Court will be at liberty to approach the Hon'ble Judge dealing with the contempt application for redressal of their grievance, if any.

It is clarified that the petitioner shall not carry out any further construction without permission from the Corporation.

Accordingly **WPA 16509 of 2024** stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Kausik Chanda, J.)