

S/L 4
03.10.2024
Court. No. 551
Suvayan

WPA 17075 of 2024

Mr. Jogendra Kumar Ganoria
Vs.
The State of West Bengal & Ors.

Mr. Uddipan Banerjee
Mr. Subhrakanti Samanta

...for the petitioner.

Mr. Nairmalya Biswas
Ms. Sanchayita De

...for the State.

Mr. Sandipan Banerjee
Mr. Ankit Surekha

...for the Corporation.

Mr. Srijib Chakraborty
Ms. Gargi Dhanj

...for the respondent nos. 7 & 8.

1. Pursuant to the order passed by this Court Sri Abhijit Mondal, O.S.D., Borough – IV, Howrah Municipal Corporation is present in-person and his personal appearance is dispensed with.

2. He has submitted a report as called for by this Court on 27.09.2024 through his learned Advocate. The report as filed today is taken on record.

3. Learned Advocate for the Howrah Municipal Corporation at the very outset draws attention of this Court to page nos. 12, 13 and 14 of the report as filed today. It is submitted that admittedly at holding no. 84, G.T. Road (South), Howrah – 711101 sanctioned plan was granted for construction of ground floor and first floor and it is submitted further on behalf of the Howrah Municipal Corporation that after noticing some illegal construction over the roof of the aforementioned premises notice under Section 177 (1) of the Howrah

Municipal Corporation Act, 1980 has been served upon the private respondents with a direction to pull down the columns as raised on the roof of the said building which is, however, disputed by the learned Advocate for the private respondents.

4. In course of his submission learned Advocate for the private respondents submits further that in the said notice dated 01.10.2024 nothing has been specifically averred with regard to illegal construction. It is further submitted that he has instruction from his clients that they would challenge the said letter dated 01.10.2024 before the appropriate forum.

5. On being asked learned Advocate for the private respondents, however, could not show and/or file any document which permits his clients to raise RCC columns over the first floor roof of the aforementioned building.

6. It is further submitted on behalf of the private respondents that in view of issuance of the notice dated 01.10.2024 the instant writ petition has practically become infructuous and the same may be dismissed.

7. Learned Advocate for the writ petitioner, however, contents that an appropriate order may be passed pursuant to the relief as prayed for by the writ petitioner.

8. On overall consideration over the materials as placed before this Court and after hearing the learned Advocates for the contending parties this Court directs the O.S.D., Borough – IV, Howrah Municipal Corporation to proceed with the provision of Section 177 of the

Howrah Municipal Corporation Act in the event the private respondents fails to comply with the requisition of his notice dated 01.10.2024 and in doing so, he is at liberty to seek appropriate help of police authority and in the event such requisition for police is made by the aforementioned O.S.D., the Commissioner of Police, Howrah Police Commissionerate is directed to ensure that requisite number of police personnel is/are provided to the O.S.D., Borough – IV, Howrah Municipal Corporation in carrying out his duty as enshrined in the aforementioned section.

9. With the aforementioned observations, the instant writ petition being **WPA 17075 of 2024** is hereby disposed of.

10. Parties are directed to act on the server copy of this order.

11. Liberty to communicate.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)

1. After passing of the order the learned Advocate for the private respondents submits before this Court that a short term of stay may be granted in respect of the order as passed by this Court in Court today.

2. Such prayer is considered and refused.

(Partha Sarathi Sen, J.)