

S/L 7
04.10.2024
Court. No. 551
Sourav

WPA 18810 of 2024

Mrs. Gita Pal
Vs.
The Howrah Municipal Corporation & Ors.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana

...for the petitioner.

Mr. Arjun Roy Mukherjee
Ms. Debapriya Mitra

...for the State.

Mr. Sandipan Banerjee
Mr. Ankit Sureka

...for the Howrah Municipal Corporation.

Mr. Udayan Ray
Mr. Debabrata Ray

...for the private respondent.

1. By filing the instant writ petition, the writ petitioner alleges illegal construction at the instance of the private respondent no. 5.
2. In course of hearing, learned advocate appearing on behalf of the Howrah Municipal Corporation submitted a report which is taken on record. Learned advocate for the Howrah Municipal Corporation submits before this Court that after noticing the unauthorized construction at premises no. 26/2, Andul Road, Howrah, 711109, the Howrah Municipal Corporation has started proceeding under Section 177 of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the 'said Act') and in the said proceeding, notice was given to the private respondent who could not justify his action with regard to the alleged illegal construction

and accordingly, the private respondent was directed to pull down the unauthorized construction as raised by him.

3. Learned advocate appearing on behalf of the private respondent, however, disputed the contention as raised by the Howrah Municipal Corporation. It is submitted that prior to initiation of a proceeding under Section 177 of the said Act, no notice was served upon the private respondent.
4. This Court finds no force in the argument of the learned advocate for the private respondent as it appears from the page no. 7 of the report as filed today that the private respondent appeared before the appropriate authority i.e., the Assistant Engineer-in-Charge of Building Department and he was given due hearing observing the principle of natural justice. This Court also finds that by a letter dated 18.05.2022, the private respondent was asked to demolish the unauthorized construction which he did not comply with. Several reminders were sent to him on 30.06.2022, 25.05.2023, 12.07.2023, 14.09.2023 and lastly on 08.01.2024 but in vain.
5. Such being the position, this Court while disposing the instant writ petition permits the respondent/ Howrah Municipal Corporation to proceed with the provision of Section 177(7) of the said Act in terms of the letter dated 03.10.2024 without any fail.
6. Liberty is given to the appropriate authority of the Howrah Municipal Corporation to approach the

Additional Deputy Commissioner of Police, Special Branch, Howrah for police assistance and if any such requisition is made, the Additional Deputy Commissioner of Police, Special Branch, Howrah is directed to deploy sufficient number of police personnel under Section 225 of the said Act in order to carry out the work of demolition pursuant to the notice dated 03.10.2024.

7. Learned advocate for the Howrah Municipal Corporation is requested to communicate this order to the OSD, Building Department (Demolition), Howrah Municipal Corporation forthwith.
8. With the aforementioned observations, this writ petitioner being **WPA 18810 of 2024** is disposed of.
9. 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.)