

26.11.2024
Item No.20
Ct. No.26
CHC
(disposed of)

MAT 1306 of 2022

**Shibpur Nimtala Sporting Club
Vs.
The State of West Bengal & Ors.**

Mr. Partha Sarathi Bhattacharjee, Sr. Advocate
Mr. Tanmoy Mukherjee, Advocate
Mr. Iresh Paul, Advocate
Mr. Soumava Santra, Advocate
....for the appellant

Mr. Susanta Pal, Advocate
Mr. Prabir Kumar Ray, Advocate
...for the State

Mr. Sandipan Banerjee, Advocate
Mr. Ankit Sureka, Advocate
....for the Howrah Municipal Corporation

Mr. Jishnu Chowdhury, Advocate
Ms. Amrita Panja Moulick, Advocate
...for the private respondent no.7

1. Appeal is directed against the order dated July 26, 2022 passed in WPA 13133 of 2022.
2. Appeal is at the behest of the writ petitioner.
3. Learned Senior Advocate appearing for the appellant submits that, order of demolition dated April 21, 2022 passed by the Howrah Municipal Corporation was assailed by the appellant in the writ petition. He submits on instructions that, his client accepts the

order dated April 21, 2022. His client will act in accordance with the order dated April 21, 2022 and self demolish the unauthorized construction as directed therein. His client may be granted some time in order to comply with the order dated April 21, 2022.

4. Howrah Municipal Corporation and the private respondent are represented.
5. Learned advocate appearing for the Howrah Municipal Corporation submits that, Howrah Municipal Corporation may be permitted to visit the locale to ensure that order dated April 21, 2022 stands implemented. Howrah Municipal Corporation be permitted to inspect the property from time to time and ensure that order of demolition dated April 21, 2022 is implemented.
6. Learned advocate appearing for the private respondent submits that, apart from the unauthorized construction noted in the order dated April 21, 2022 there are other constructions which are unauthorized and that his client should be permitted to take appropriate steps.
7. Challenge in the writ petition was with regard to the order dated April 21, 2022 passed by the Howrah Municipal Corporation in respect of an allegation of unauthorized construction at Holding No.69 and 71, Kashinath Chatterjee Lane, Ward No.33, Post office:

Shibpur, Police Station: Chatterjeehat (formerly Shibpur), Howrah 711 102. Such order was passed pursuant to the order dated March 25, 2022 passed in WPA 4689 of 2022.

8. Appellant accepts such order dated April 21, 2022 and requests for time to implement such order by self demolishing the unauthorized construction pointed out therein.
9. In such circumstances, it would be appropriate to permit the appellant eight weeks time to self demolish the unauthorized construction as pointed out in the order dated April 21, 2022. Howrah Municipal Corporation is at liberty to inspect the subject premises, from time to time, so as to ensure that the order dated April 21, 2022 stands implemented. In the event of default of the appellant complying with the order dated April 21, 2022 within eight weeks from date, Howrah Municipal Corporation is at liberty to implement such order in accordance with law.
10. Court is informed that, there is a civil suit pending between the private parties. Court is also informed that, there subsists an order of injunction. Private parties are at liberty to agitate their respective grievances before the appropriate forum in accordance with law.

- 11.** M.A.T. 1306 of 2022 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)