

02.07.2024
Sl.No.21
Ct. No.15
S.A.

WPA 19900 of 2023

Md. Shamim Khan

-vs-

State of West Bengal & Ors.

Mr. Swarup Banerjee

Mr. Arindam Chatterjee

Mr. Arinjay pal

Mr. Subham Biswas

...for the petitioner

Mr. Sandipan Banerjee

Mr. Ankit Sureka

Mr. Sobhon Majumder

...for Howrah Municipal Corporation

Mr. Sanjib Seth

...for respondent nos.7 to 11

Mr. Debjit Mukherjee

Ms. Oindrila Chatterjee

...for the State

The petitioner alleges that at premises no.55, Dr. Abani Dutta Road, Howrah-711101, at the instance of respondent nos.7 to 11, a G+6 building has been raised without any sanctioned plan from Howrah Municipal Corporation.

The Corporation supports the case of the petitioner that the building in question has been raised without any permission from the Corporation. It has further been submitted by the Corporation that a proceeding under Section 177 of the Howrah Municipal Corporation Act, 1980 was initiated against respondent nos.7 to 11. Due notices were served upon them, but they declined to participate in the hearing. Accordingly, on conclusion of hearing, self-

demolition order was issued upon respondent nos.7 to 11 and also to the petitioner. Respondent nos.7 to 11, however, failed to comply with the self-demolition order.

Learned advocate appearing for respondent nos.7 to 11, on the other hand, submits that no notice under Section 177 was served upon them and they are not aware of any demolition order.

The fact that the building in question has been raised without any sanctioned plan from the Corporation, could not be disputed by respondent nos.7 to 11.

In that view of the matter, I dispose of this writ petition with a direction upon the Corporation to take follow up action for demolition of the relevant building in accordance with law as expeditiously as possible.

Learned advocate appearing for Howrah Municipal Corporation shall serve a copy of order of demolition within 48 hours upon the learned advocate appearing for respondent nos.7 to 11.

Accordingly, **WPA 19900 of 2023** is disposed of.

(Kausik Chanda, J.)