

W.P.A. 21215 of 2024

**Md. Altaf
Vs.
The State of West Bengal & Ors.**

Mr. Wasim Reza
...for the petitioner
(on virtual mode)

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

Mr. Ashim Kr. Ganguly
Mr. Tarak Karan
...for the State

Writ petition is heard in presence of the learned advocates representing the parties. On hearing the learned advocate representing the petitioner it appears that petitioner being the resident of the locality has grievance with regard to retention order dated 25th March, 2015 which was issued by the concerned authority of Howrah Municipal Corporation. It has been submitted on behalf of the petitioner that how dehors the relevant provisions of the statute this retention order was passed on 25th March, 2015 which smacks of *mala fide*. Therefore, petitioner is praying for direction for thorough enquiry with regard to such retention order passed by the concerned respondent authorities.

Learned advocates representing the Howrah Municipal Corporation and State-respondents have submitted that this retention order is no more in

existence in view of the subsequent order passed on 25th April, 2024 by the Assistant Engineer In-Charge, Building Department, Howrah Municipal Corporation in connection with premises Nos. 239+239/2, Bellilious Road, Howrah. At the same time it has also been submitted on behalf of the respondents that since retention order was passed on 25th March, 2015, such order may not be delved into now, after expiry of precisely nine years. It is also contended on behalf of Howrah Municipal Corporation that petitioner has no *locus standi* at this belated stage to pray for investigation in connection with retention order dated 25th March, 2015.

Having considered the submissions made on behalf of the respective parties it appears that petitioner has grievance against retention order dated 25th March, 2015 passed by the concerned authority of Howrah Municipal Corporation in connection with 239/2, Bellilious Road, Howrah. According to the petitioner such retention order is illegal for which thorough investigation is required.

While considering such grievance of the petitioner this Court finds that in terms of the order of the Hon'ble Division Bench dated 18th January, 2024 a proceeding was initiated by the concerned authority of Howrah Municipal Corporation which culminated into order dated 25th April, 2024 deciding to demolish unauthorized construction at the aforesaid premises. Therefore, it

appears that the retention order which was passed on 25th March, 2015 is no more in existence and it has lost its force.

This Court further finds substance in submission made on behalf of the respondent authorities that since retention order was passed on 25th March, 2015 and the present writ petition has been instituted precisely nine years thereafter on 20th August, 2024 at present it would not be appropriate to give direction for investigation as to why such retention order was passed. It needs to be taken into consideration that due to order dated 25th April, 2024 passed by the Assistant Engineer In-Charge, Building Department, Howrah Municipal Corporation such retention order is no more in existence today.

In view of aforesaid scenario this Court does not find merit in the writ petition and the same stands dismissed.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)