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03.01.2024
Court No. 24
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 24429 of 2023

**Sri Muroti Mohan Santra
-versus
The State of West Bengal & Ors.**

**Ms. Nibedita Chakraborty.
... For the petitioner.**

**Mr. Sandipan Banerjee.
Mr. Ankit Sureka.
Mr. Santanu Chatterjee.
Mr. Sobhom Majumdar.
... for the H.M.C.**

**Mr. Asit Kumar Bhattacharya.
Ms. Mousumi Biswas.
... for the private respondent.**

**Mr. Saikat Chatterjee.
... For the State.**

Affidavit-of-service filed in Court today be taken on record.

The petitioner prays for implementation of the order dated 8th December, 2021 passed by the Assistant Engineer, Borough-VII, Howrah Municipal Corporation.

The Assistant Engineer, Borough-VII, Howrah Municipal Corporation has intimated the petitioner under the Right to Information Act that no plan has been sanctioned in favour of the private respondent Sukumar Santra for raising construction at Dag No. 647, 864 (R.S.), Dag No. 816 (L.R.), Khatian No. 1388 (L.R.), Mouja- Thanamukua, Ward No. 45, 18

Panchanantala 4th Bye Lane under Borough-VII of the Howrah Municipal Corporation.

Learned advocate representing the private respondents including Sri Sukumar Santra submits, upon instruction that, Other Appeal No. 06 of 2023 has been filed by Sri Sukumar Santra in the Court of the learned 5th Civil Judge (Jr. Divn.) at Howrah, and an order has been passed by the Court on 16th September, 2023 staying operation of the self-demolition notice dated 14th July, 2023 till the disposal of the Suit.

Learned advocate representing the Howrah Municipal Corporation submits, upon instruction that, steps have already been taken for implementing the order of self-demolition.

It appears from the order passed by the learned Court below that the Commissioner, Howrah Municipal Corporation is a party in the said Suit.

Upon hearing the parties and upon perusal of the materials on record, it appears that no order has been passed for staying the order of self-demolition dated 8th December, 2021. The Howrah Municipal Corporation is duty bound to implement the same.

In view of the above, the instant writ petition is disposed of by directing the Howrah Municipal Corporation to take steps for implementation of the order dated 8th December, 2021 passed by the Assistant Engineer, Borough-VII, Howrah Municipal Corporation.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)