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30-08-2024

AKG

Ct. 15

**WPA 26698 of 2022**  
**With**  
**CAN 1/2024 & CAN 2/2024**  
**Aslam Parvez & Ors.**  
**Vs.**  
**The Howrah Municipal Corporation & Ors.**

Mr. Ratul Das,  
Mr. Sagnik Basu,  
Md. Dilwar Khan,  
Mr. Arya Banerjee

...for the Petitioner

**In Re : CAN 2/2024**

This is an application for condonation of delay in filing the application for restoration. It appears that there has been a delay of 12 days in filing the restoration application.

Having regard to the averments made in paragraphs 10 and 11 of the application, I am of the view that the petitioner has shown sufficient cause for such delay.

Accordingly, **CAN 2 of 2024** is allowed.

**In Re : CAN 1/2024**

Having regard to the averments made in paragraph nos. 11 and 12 of this restoration application, I am of the view that the petitioner has sufficiently explained the reason for her non-appearance before this Court on May 17, 2024.

Accordingly, CAN 1 of 2024 stands allowed and WPA 26698 of 2022 is restored to its original file and number.

**In Re : WPA 26698 of 2022**

The petitioner alleges that respondent nos. 9 to 13 have raised three additional floors at premises no.

283/12/1/1, Belilious Road, Howrah, over and above the sanctioned plan granted by Howrah Municipal Corporation for the relevant building.

It is the grievance of the petitioners that though they made several representations before the Howrah Municipal Corporation, no steps have been taken for demolition of the unauthorised construction.

No one appears on behalf of the Howrah Municipal Corporation.

I am not inclined to keep this writ petition pending. I dispose of this writ petition with a direction upon the Howrah Municipal Corporation to consider the representation dated September 8, 2022, appearing at page 171 of the writ petition within a period of three months from the date of communication of this order in accordance with law.

In arriving at its decision, the Howrah Municipal Corporation shall hear all concerned, pass a reasoned order and take necessary steps for demolition of unauthorised construction, if any.

**WPA 26698 of 2022** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

**(Kausik Chanda, J.)**

