

08. 04.03.2024
Court No.6
(Tanmoy)

MAT 2265 of 2023

**Ashok Kumar Shaw & Anr.
-Versus-
Akash Shaw & Ors.**

**With
IA No: CAN/1/2023**

Mr. Tanmoy Mukherjee, Adv.,
Mr. Souvik Das, Adv.,
Mr. K. Raihan Ahmed, Adv.,
Mr. Rudranil Das, Adv.,
Mr. Soumava Santra, Adv.,
Mr. Tapas Chatterjee, Adv.

...for the appellants.

Mr. Sandipan Banerjee, Adv.,
Mr. Ankit Surekha, Adv.

...for the Howrah Municipal
Corporation.

By consent of the appearing parties, the appeal and the connected application are taken up together for hearing.

Exception of the appellants, to the report of Howrah Municipal Corporation (in short, 'HMC'), in the form of affidavit, be kept with the records.

The gist of the exception filed today is that the appellants themselves have carried out demolition of the remaining unauthorized portion. The resultant debris are still lying at the site; the same will be removed shortly.

In view of the specific statement made by the appellants, on oath, that they have removed the remaining unauthorized portion of the impugned construction, we direct HMC to conduct a further local

inspection to ascertain whether or not any unauthorized construction remains. If it finds that the appellants have correctly submitted to this Court that the entire unauthorized construction has been removed, the matter will end there. If however, HMC finds that still unauthorized construction remains to some extent, it will be at liberty to demolish the same in accordance with law.

No useful purpose will be served by keeping the appeal pending. The appeal being MAT 2265 of 2023 and the connected application being IA No: CAN/1/2023 accordingly stand disposed of.

Urgent photostat certified copy of this order, if applied for, be made available to the parties, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(M.V. Muralidaran, J.)