

25.07.2025
Court No.13
Item No. 14
sp

MAT 2079 of 2024
With
CAN No. 2 of 2025
With
CAN No. 3 of 2025
Goutam Sarkar
Versus
The Howrah Zilla Parishad & Ors.

Mr. Raghunath Chakraborty,
Mr. M. Ahamed,
Ms. Mohona Das.

...For the appellant.

Mr. Indrajit Dasgupta,
Mr. Madhu Jana,
Mr. Golam Zaky,
Ms. Ritika Chowdhury.

... For the applicant.

Ms. Kekhla Sinha.

... For the Howrah Zilla Parishad.

Mr. Rahul Agarwala.

... For the respondent nos. 9 and 10.

CAN 2 of 2025 and CAN 3 of 2025

1. CAN 2 of 2025 and CAN 3 of 2025 have been filed by one Tusi Ghosh, seeking leave to intervene in this appeal which was disposed of by a Co-ordinate Bench of this Court vide order dated 26th November, 2024. The Co-ordinate Bench found that an unauthorized construction in violation of sanction plan and basic building regulations and rules cannot be allowed to be regularized.

2. The order of the Single Bench directing the Howrah Zilla Parishad to consider the case of the appellant for regularization was set aside by the Co-ordinate Bench in the said order dated 26th November, 2024.

3. The appellant submits that this is more in the nature of a mercy petition since they are purchasers of the said portion of unauthorized construction made by the promoter. The main lis has been disposed of rejecting the prayer of the promoter for regularization of unauthorized construction.

4. The question of permitting the appellants who are purchasers of the property which is allegedly unauthorized cannot be entertained by this Court. The applicant/purchaser Tusi Ghosh has civil remedies against the promoter which may be pursued in accordance with law.

5. In that view of the matter, CAN 2 of 2025 and CAN 3 of 2025 stand dismissed.

6. There shall be no order as to costs.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)

