

**Sl. Nos.12&A2173**  
**17.12.2024**  
**Suman**  
**Ct. 15**

**WPA 28830 of 2024**

**Purushottam Chourasia**  
**Vs.**  
**Howrah Municipal Corporation and Ors.**

**With**  
**WPA 25604 of 2024**

**Anand Kumar Singh**  
**Versus**  
**Howrah Municipal Corporation and Ors.**

Mr. Abhilash Chatterjee  
Mr. Saikat Dey  
...for the petitioner in WPA 28830 of 2024 and  
Private respondent in WPA 25604 of 2024

Mr. Pradip Kumar  
..for respondent no.6

Mr. Utpal Maitra  
..for the Special Officer in WPA 28830 of 2024

Mr. Sandipan Banerjee  
Mr. Ankit Sureka  
Ms. Shetparna Roy  
..for Howrah Municipal Corporation

Mr. Malay Singh  
Ms. Neelam Singh  
..for the State in WPA 28830 of 2024

In view of the common facts, these two writ  
petitions are taken up for hearing together and disposed  
of by a common order.

The facts pertaining to WPA 28830 of 2024 have been recorded in the order dated December 4, 2024. The said order is quoted below:

“The petitioner alleges that, in compliance with an order dated June 21, 2023, passed by this Court in MAT 1002 of 2023 with MAT 999 of 2023, the Corporation undertook a demolition work on May 16, 2023. However, after a gap of approximately one and a half years, the Corporation has again attempted to carry out further demolition of the relevant construction without providing any notice.

Mr. Nilanjan Bhattacharjee, learned advocate for the petitioner, submits that the demolition proceedings have already been completed, and the unauthorized portion of the building has been demolished. Therefore, there is no reason for the Corporation to undertake any further demolition work.

On the other hand, the Corporation contends that although partial demolition was carried out on May 16, 2023, the demolition could not be completed because the building was occupied by flat owners. 2

In view of these disputed facts, I appoint Mr. Utpal Maitra, advocate (Mobile No. 9831192582), as the Special Officer. The Special Officer is directed to inspect the premises in question, with the assistance of a surveyor, to determine whether the unauthorized portion of the building has been fully demolished.

The petitioner and his representatives are required to be present during the inspection.

The Special Officer shall be compensated with a consolidated fee of Rs. 30,000/-, which shall be borne by the petitioner.

The inspection is scheduled for December 6, 2024. The Howrah Municipal Corporation shall ensure that a competent officer is deputed to be present during the inspection and shall provide a copy of the sanctioned plan to the Special Officer.

The learned advocate for the Corporation submits that today was scheduled for demolition. The Corporation has incurred costs of

approximately Rs. 50,000/- for police force and the demolition squad.

The petitioner undertakes before this Court to reimburse the said amount if the Special Officer determines that the entire unauthorized portion of the building has already been demolished.

There shall be a stay on further demolition for a period of three weeks from the date of this order. 3

The writ petition shall be listed on December 10, 2024, under the heading "To Be Mentioned."

The petitioner in WPA 25604 of 2024, who is respondent no. 6 in WPA 28830 of 2024, seeks the implementation of the demolition order issued by the Howrah Municipal Corporation.

The report submitted by the Special Officer substantiates the allegations made by the writ petitioner in WPA 25604 of 2024.

The relevant part of the report is quoted below:

*"I, Debasish Chatterjee [L.B.S. No.84(1) of HMC], have visited the site on 06.12.2024 at premises no.22, Bijay Kumar Mukherjee Road, P.S. Golabari, District-Howrah-711 106, Ward no.15, under H.M.C. as requested by Spl. Officer Mr. Utpal Maitra. On spot I have found Mr. Maitra, Mr. Soumen Patra (Sub-Assistant Engineer, H.M.C. Borough-II, who also assisted me by providing Sanction Building Plan of the said premises) and others. In their presence I have taken measurement of the said existing Three storied building. It is observed as follows:-*

*Total Asmade Floor Area of the Building =506.823 sqm.*

*Total Sanctioned Floor Area of the Building=285.411 sqm.*

*Total Deviated Floor Area of the Building = 221.412 sqm.*

*It is also found that total Area Demolished by H.M.C. Authority =0.88 sqm. (more or less) with*

*a small portion of Parapet wall in the South-East part of the building. Remaining Deviation part of the building =220.532 sqm.”*

In light of the above, I find no reason to entertain WPA 28830 of 2024.

Considering the nature of the demolition, this Court deems it necessary to provide the petitioner with some time to vacate the premises to facilitate the demolition work.

The learned advocate for the petitioner undertakes to vacate the premises within one month from the date of this order.

The Corporation is at liberty to complete the demolition of the unauthorised part of the building in accordance with the law after expiry of said one month.

Accordingly, WPA 28830 of 2024 is dismissed, and WPA 25604 of 2024 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

**(Kausik Chanda, J.)**