20.01.2025
(D/L-63
&
ADSL-16)
Ct. No.15
(B.K.N.)

W.P.A. 18764 of 2024

Tapas Dey
Vs.
The State of West Bengal & Ors.

With

WPA 837 of 2025

M/S Shiv Construction
Vs.
The Howrah Municipal Corporation & Ors.

Mr. Bhabani Prasad Mondal,
Ms. Kakali Ghosh,
Mr. Sukanta Mondal
...for the Petitioner (W.P.A. 18764 of 2024)

Mr. Joydip Banerjee,
Ms. Rupsha Chakraborty
...for the State (W.P.A. 18764 of 2024)

Mr. S. K. Ghosh,
Ms. Priyanka Saha
...for the Private Respondent Nos. 10, 11 & 12 (W.P.A. 18764 of 2024)

Mr. S. K. Ghosh,
Ms. Priyanka Saha
...for the Petitioner (W.P.A. 837 of 2025)

Mr. Sandipan Banerjee,
Mr. Ankit Sureka
...for the Howrah Municipal Corporation (W.P.A. 837 of 2025)

These two writ petitions are being considered together as they both pertain to a construction at premises no.36/24, B. Road, Bamungachi, Ward No. 7, under the jurisdiction of the Howrah Municipal Corporation.

The petitioner in W.P.A. 18764 of 2024 seeks the demolition of the construction at the aforementioned premises, which he contends is unauthorised. However, the report filed by the corporation indicates that the building is constructed in accordance with an approved plan, with some deviations in the construction on each floor by private respondents Nos. 10, 11, and 12.

Counsel representing private respondents Nos. 10, 11, and 12 submits that they have already made a formal prayer to the corporation for the regularisation of the unauthorised portion of the building, and the prayer remains pending.

It also appears that in W.P.A. 837 of 2025, respondent no.10 in W.P.A. 18764 of 2024 has prayed for the regularisation of the unauthorised construction.

In light of these facts, both writ petitions are disposed of with a direction to the Howrah Municipal Corporation to consider the prayer for the regularisation as well as demolition of the unauthorised construction in accordance with applicable laws within one month from the date of communication of this order.

Until the corporation considers this prayer, no demolition work shall be undertaken.

The report filed by the state shall be kept on record.

W.P.A. 18764 of 2024 and **W.P.A. 837 of 2025** are thus disposed of.

(Kausik Chanda, J.)