

01.12.2025
Court No.13
Item No.35
pk

MAT 99 of 2025
CAN 1 of 2025

Hara Kumar Dutta and others
Vs.
The Commissioner of H. M. C. and others

Mr. Dyutiman Banerjee,
Mr. Debayan Roy,
Mr. Ayanava Das
... for the appellants.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka
... for the Howrah Municipal Corporation.

1. The appeal is directed against an order dated 06.01.2025 passed by the Single Bench of this Court. The Single Bench relied upon an inspection report of the Howrah Municipal Corporation. An inspection was conducted on two plots. One plot number is 448 and another plot number is 448/1311. Both measuring about 11 chitaks 38 sq. ft. The construction over the residential portion of the property has been demolished. The portion housing a temple (Thakurdalan) has not been demolished by the appellants.
2. The Howrah Municipal Corporation has found that both the structures to be illegal.
3. The learned counsel for the appellants has argued that since mention of Thakurdalan is available in the title deed of purchase of the property itself, the temple portion of the property must be preserved.

4. It is also argued that there is no evidence that the Howrah Municipal Corporation has conducted an inspection of the second plot.
5. This Court, however, notes that two plots of land are vitally and completely interlinked to one and another. 99.9 per cent of the houses of the State of West Bengal have some kind of a religious place inside the house. The same, however, cannot entitle a person to maintain and continue with an unauthorized illegal structure.
6. It appears to this Court that prayer portion of the residential part of the house is being used as a defense against the Municipal Laws. The same cannot be permitted.
7. The Howrah Municipal Corporation shall proceed to demolish the said property constructed illegally.
8. Hence, the impugned order calls for no interference.
9. Accordingly, MAT 99 of 2025 is dismissed. Consequently, connected pending application being CAN 1 of 2025 is also dismissed.
10. 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.)