

25.06.2025
Sl. No.4
akd

W. P. A. 4363 of 2025

[Irshad Ahmed -Vs- The Chairman, Howrah Municipal Corporation & Ors.]

Mr. Subir Kumar Sen
Ms. Sushmita Sen

... .. for the petitioner

Mr. Sanjib Seth

... for respondent nos.5 to 9

Mr. Shamim-ul-Bari
Mr. Sajal Pandit

... .. for the State

Mr. Sandipan Banerjee
Mr. Ankit Sureka

... .. for the HMC

1. The petitioner has preferred the present writ petition seeking a direction upon the respondent nos.1 and 2 i.e. Howrah Municipal Corporation to demolish/remove the unauthorized construction allegedly carried out by the private respondent nos.5 to 9 at Premises No.52, Pilkhana 1st Bye-lane (portion), P.S. Golabari, Dist. Howrah.
2. Report filed on behalf of the respondent-Howrah Municipal Corporation is taken on record.
3. From the report it appears that a show cause notice dated 24.01.2025 was issued to Abdul Ahad as well as Ashfaque Ahmed & Ors. for carrying out unauthorized construction at the abovementioned property. A stop work notice was also issued to the Inspector-in-charge, Golabari Police Station on 24.01.2025. Thereafter, a hearing was conducted on 05.02.2025, wherein the private respondent nos.5 to 9 failed to appear. Subsequently, a demolition order dated 02.04.2025 was passed by the Assistant Engineer, In-charge of Building Department, Howrah Municipal Corporation.

4. In view of the status report, this Court is of the view that nothing further survives in the present writ petition since the respondent-Howrah Municipal Corporation has already initiated the demolition process in respect of the unauthorized construction and a demolition order has already been passed to that effect.

5. Learned Advocate for the petitioner submits that the petitioner is satisfied that the respondent-Howrah Municipal Corporation authorities have already initiated the proceedings and had passed a demolition order.

6. Needless to mention that the demolition order shall be brought to its logical conclusion by the respondent-Howrah Municipal Corporation by taking all necessary and appropriate steps in pursuance thereof.

7. The private respondent nos.5 to 9 are restrained from creating any third party interest in the subject property without disclosing the material particulars of the demolition order passed by the respondent-Howrah Municipal Corporation.

8. With the aforesaid directions, the present writ petition is disposed of.

9. Since no affidavits have been filed by the respondent, the allegations made in the writ petition shall not be deemed to have been admitted.

10. There shall be no order as to costs.

11. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)