

04.11.2025
Ct. 3
Item No.
A 31
Saswata

WPA 4583 of 2024
Anil Kumar Prasad
Versus
Howrah Municipal Corporation & Ors.

Mr. Rishav Singh
Mr. Soumalya Dutta

... For the petitioner

Mr. Sandipan Banerjee
Mr. Ankit Sureka

... For the HMC

Mr. Prasenjit Burman
Mr. Swapnesh Mallick
Ms. Payal Koley

...For the respondent no. 6

1. Though a direction was issued by this Court to file a report in the form of an affidavit, however, Mr. Banerjee learned advocate appearing for the HMC candidly submits that due to inadvertent error, such report has not been prepared in the form of an affidavit, though the report is duly signed and is ready. Accordingly leave is granted to file the signed report and the same is taken on record.
2. The instant writ petition has been filed, inter alia, praying for a direction upon the respondents to immediately take steps on the basis of the written representation dated 29th November 2024. The petitioner claims to be the land owner in respect of holding no. 289, Netaji Subhas Road, Post Office- Howrah, Police Station- Shibpur, Howrah – 711101, Ward No. 26, Borough – IV, Howrah and had purchased the property from one Mr. Tekriwal vide a registered deed of sale dated 30th November 2022.

3. The petitioner claims that the private respondent nos. 5 to 7 are the developers and running a partnership business in the name and style of AD Home Real Estate. The petitioner appears to have entered into an agreement with the respondent nos. 5 to 7 on the basis of the development agreement and the consequent power of attorney was executed and the sanction building plan was also obtained by the private respondents. According to the petitioner the building has been constructed unauthorizedly and a complaint in this regard was lodged by the petitioner on 29th November 2024.
4. Having heard the learned advocates appearing for the respective parties including the private respondents, I find that on the basis of the report filed by the Municipal authorities in Court today which has been taken on record, in furtherance to the complaint made by the petitioner, steps have been taken by the Municipal authorities. A show cause notice has already been issued on 29th April 2024. An inspection was conducted whereupon a report dated 23rd April 2025 was prepared.
5. In furtherance to the above, a demolition notice has also been issued by the Municipal authorities on 2nd April 2025. Mr. Banerjee learned advocate representing the Howrah Municipal Corporation candidly submits that by reasons of pendency of proceeding before this Court, the matter has been pending and in this context he also draws the notice of this Court to the order passed by the Assistant

Engineer (In-charge), Building, HMC dated 19th September 2025 wherein it has been noted that there has been violation of the provisions of HMC Act 1980 and the Building Rules applicable thereunder and as such the respondent nos. 6 and 7 were directed to demolish the illegal unauthorized construction and the deviation mentioned in the inspection report as noted therein within 15 days from the date of receipt of such order.

6. Since, I find that steps have been taken by the authorities in furtherance to the complaint lodged by the petitioner, I am of the view that no fruitful purpose will be served by keeping the writ petition pending .
7. The Municipal authorities are directed to bring the aforesaid proceeding to its logical conclusion and to remove the unauthorized construction in accordance with law as expeditiously as possible preferably within 10 weeks from the date of communication of this order.
8. It is made clear that if the Municipality seeks police assistance, the police authorities shall provide for the same.
9. With the above direction and observation the writ petition is disposed of.
10. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)