

16.12.2025
Ct. 3
Item No.
AD 12
sayandeep

WPA 8766 of 2025

**Smt. Arati Das Majumder
Versus
The Howrah Municipal Corporation & Ors.**

Mr. Rahul Karmakar
Ms. Gargi Goswami
Mr. Soukojit Saha

..... for the petitioner

Mr. Sandipan Banerjee
Mr. Ankit Sureka

..... for the HMC

Mr. Supriya Chattopadhyay
Mr. Manish Biswas

... for the State

Mr. Sirsanya Banerjee
Mr. Sanjib Seth
Ms. Soumi Chakraborty

...for the respondent No. 8

1. Complaining illegal construction at premises No. 31/4/1 Ramji Hazra Lane, Police Station-Shibpur, Ward No. 26 of Howrah Municipal Corporation, the instant writ petition has been filed.
2. Having heard the learned advocates appearing for the respective parties, this Court by an order dated 26th November, 2025 had directed the municipal authorities to carry out an inspection of the property in question though considering the objection of the private respondent, the petitioner was not permitted to participate in such inspection. Pursuant to the aforesaid direction, a report has been filed which is

countered signed by the Assistant Engineer in Charge of building department, HMC dated 10th December, 2025. From the aforesaid report, the following would transpire:

“In the context on the basis of High Court Order against WPA No. 8766 OF 2025 by his Lordship The Hon'ble Justice Raja Basu Chowdhury, an inspection was done on 10/12/2025 at 1.30 P.M. to 2.30 P.M. at 31/4/1, Ramji Hazra Lane, W-26.

In presence of:

1. Sri Barunava Das (A.E & In-charge of Building Dept)
- 2 Sri Avijit Dutta(A.E & In-charge of Building Dept)
3. Sourav Karan, Subhankar Sain(Measurement Assistant)

Now following points were observed during the inspection:-

- 1) Construction has been carried out in the building at up to Partly 4th floor level. The building is complete. The building is fully occupied.
- 2) Total constructed area at ground floor to 2nd floor more or less 239.4 Sq.m.
- 3) Sanctioned area at ground floor to 2nd floor 130.645 Sq.m.
- 4) Total deviated area at ground floor to 2nd floor more or less 108.755 Sq.m.
- 5) Constructed unauthorized area at 3rd floor more or less = 79.8Sqm
- 6) Constructed unauthorized area at 4th floor more or less = 18.36Sqm.
- 7) Total unauthorized area at ground to 4th floor more or less-206.915 Sq.m.”

4. Having heard the learned advocates appearing for the respective parties and noting that two several

floors have been illegally constructed at the above premises as would transpire from the aforesaid report, I am of the view that appropriate proceedings should be initiated by the Municipal Commissioner under the provisions of Section 177 of the HMC Act, 1980. A decision in this regard shall be taken upon giving opportunity of hearing to the person responsible in accordance with law and the decision thereof shall be communicated to the parties.

5. Noting from the report that two several floors have been illegally constructed, I am of the view that the decision in this regard must be taken expeditiously not later than 10 weeks from date. It is made clear that in the event, any further inspection is necessitated, the petitioner may be notified of such inspection, however, all records/report thereof, must be disclosed to the interested parties including the petitioner. Although, the learned advocates for the respondent No. 8 would contend that the petitioner is an extortionist, however, in the peculiar facts of the case considering the seriousness of the illegality, at this stage, this Court is not inclined to go into the same.
6. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)