

06.01.2025

Ct. no.39

Sl. No.12

ss

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

**W.P.A. 11220 of 2023
(Assigned)**

Bholanath Dutta

Vs.

***The Commissioner, Howrah Municipal
Corporation & Ors.***

Mr. Ram Chandra Guchhait,

Mr. Sourav Guchhait,

... for the petitioner

Mr. Partha Pratim Roy,

Mr. Dyutiman Banerjee,

Mr. Debayan Roy

... for the respondent nos.5-7

Mr. Sandipan Banerjee

Mr. Santanu Chatterjee

...for the Howrah Municipal Corporation

Mr. Arijeet Bhattacharjee

... Special Officer

This writ petition has been filed for removal of unauthorised construction over the plot nos.448 and 448/1311 under J.L. No.3, Revenue Survey No.1999, Touzi No.821, under Police Station-Jagacha, District-Howrah measuring 11 *chittaks* 38 sq.ft.

At the outset it is informed by the learned Counsel for the parties as well as learned counsel representing the Howrah Municipal Corporation that unauthorised construction of 60 sq.mt. over the plot no.448/1311 has already been removed. Only a portion

of 20 sq.mt. in the nature of an unconstructed temple is required to be removed.

Upon going through the report of Assistant Engineer, Borough-VII, Howrah Municipal Corporation dated 20th August, 2024 it is found that an inspection was held in respect of unauthorised construction over Dag No.448/1311. Upon inspection it is found that there are two separate structures unauthorisedly constructed, one for residential purpose measuring approximately 60 sq.mt. and another a temple portion measuring approximately 20 sq.mt. The area of construction for residential purpose measuring 60 sq.mt. has already been fully removed upon demolition. However, temple portion measuring 20 sq.mt. is in existence. The report categorically records that the temple is constructed unauthorisedly and is in unfinished condition, i.e., works of flooring and other finishing works are pending.

Considering the aforesaid report the private respondent nos.5 to 8 are directed to remove the portion of construction of a structure in the nature of temple measuring 20 sq.mt. within a period of 15 days from date, failing which the Assistant Engineer, Borough VII, Howrah Municipal Corporation shall take appropriate steps for removal of the structure of 20 sq.mt. in existence in the nature of temple as far as practicable within a period of one month thereafter.

The Officer-in-Charge, Jagacha Police Station shall extend assistance to the officials of Howrah Municipal Corporation at the time of demolition of the aforementioned unauthorised structure in the nature of a temple.

Howrah Municipal Corporation is at liberty to raise statutory costs for demolition of the aforesaid structure which shall be paid by respondent nos. 5 to 8 in the event of their failure to dismantle the structure within the stipulated period.

By order dated 03.12.2024, Special Officer was appointed to cause inspection of the locale. However, in view of the direction as above, the said order is recalled.

With the above directions, the writ petition being **WPA 11220 of 2023** stands disposed of.

All connected application, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)