

18.08.2025.
Item Nos. 58
Court No. 13
sp

MAT 817 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025
Shibnath Mukherjee
Versus
Sudip Bhattacharya & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Badrul Karim,
Mr. Aritra Ghosh.

...For the appellant.

Mr. S. Banerjee,
Mr. A. Chatterjee,
Mr. Sumitava Chakraborty.

..for the respondent no. 1.

Ms. Munmun Ganguly,
Mr. Debangshu Dinda.

..For the State.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka.

...For the HMC.

CAN 1 of 2025

1. CAN 1 of 2025 is an application for condonation of delay of in filing the memorandum of appeal.
2. Sufficient grounds are available to explain the delay in filing the memorandum of appeal.
3. CAN 1 of 2025 is allowed and disposed of.

MAT 817 of 2025

4. Having heard the learned counsel for the parties, this court is of the view that the order dated 4th March, 2025 may be modified to the extent that a hearing be conducted by the Corporation as

directed in the first paragraph at page 4 of the order which shall be confined to the ground+ 3 structure ascertaining deviation and possible regularization if at all. The unauthorized 4th floor of the building shall not be the subject matter of discussion and the HMC shall proceed to demolish the same forthwith.

5. It is submitted by counsel for the HMC that despite three notices, the appellant has not attended the meeting for inspection and hence, inspection has already been conducted.
6. With the aforesaid observations, MAT 817 of 2025 shall stand disposed of. Hence no further inspection needs to be conducted
7. Consequently, all connected applications, if any, shall also stand disposed of.
8. There shall be no order as to costs.
9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)