

29.10.2025.
Court No.13
Item No. 20
ap

F.M.A. No. 1037 of 2025
With
I.A. No. CAN 1 of 2025

Srimanta Bodhak & Ors.
Versus
Amiya Kumar Rakshit & Ors.

Mr. Ajay Datta,
Mr. Birendra Nath Manna.
...For the appellants.
Mr. Ananda Dulal Sarkar,
Mr. Hemanta Kumar Das.
...For the State.
Mr. Balai Sahoo,
Mr. Aswini Kumar Bera.
....For the respondent no.1.
Ms. Mekhla Sinha.
...For the Howrah Zilla Parishad.

1. Affidavit-of-service filed in Court today be taken on record.
2. This intra court appeal is directed against the order dated 2nd May, 2025 passed by a learned Single Judge of this Court in W.P.A. 10729 of 2024.
3. The writ petition was the third round of litigation filed by the respondents challenging the construction made by the appellants. The appellant was not represented before the learned Single Judge in two earlier writ petitions, despite notice.
4. In the writ petition in which the impugned order has been passed, the appellants were represented.
5. The learned Single Judge of this Court noted the arguments of the appellants that there was no requirement for a sanction plan for making

construction of the property was baseless as the vendors of the appellants had themselves applied for the sanctioned plan in the year 2001.

6. Howrah Zilla Parishad under whose jurisdiction the property falls has found that the construction made by the appellants to be ex facie illegal and without any sanction plan.

7. It is in that backdrop that the learned Single Judge has directed Howrah Zilla Parishad to effect demolition of unauthorized construction. The notice of the Howrah Zilla Parishad to the appellants to conduct self demolition has been ignored.

8. In view of the above undisputed facts, this Court is of the view that the impugned order dated 2nd May, 2025 calls for absolutely no interference. F.M.A. 1037 of 2025 shall stand dismissed.

9. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand dismissed.

10. There will be no order as to costs.

11. 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.)

(Apurba Sinha Ray, J.)