

10.11.2025.
Court No.13
Item No. 32
ap

M.A.T. No. 952 of 2025
With
I.A. No. CAN 1 of 2025

Arati Das Majumdar
Versus
Aman Kumar Gupta & Ors.

Mr. Rahul Karmakar,
Ms. Gargi Goswami.

...For the appellant.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka.

...For the Howrah Municipal Corporation.

Mr. Debarshi Brahma.

...For the respondent no.1.

Ms. Pampa Dey (Dhabal),
Mr. Biswarup Chatterjee.

...For the respondent no. 8.

1. Certified copy of the order impugned filed in Court today is taken on record.
2. The instant intra court appeal is directed against the order dated 13th June, 2025 passed by a learned Single Judge of this Court in W.P.A. 9704 of 2025.
3. It appears that on a writ petition filed by one Arati Das Majumdar in 2018 in W.P. 13046 (W) of 2018, a learned Single Judge of this Court had directed the Howrah Municipal Corporation to initiate proceedings if there was no sanction for the building in question.
4. Howrah Municipal Corporation so initiated proceedings under Section 177(1) of the Howrah Municipal Corporation Act, 1980 and a demolition order was issued. In contempt proceedings being CPAN 47 of 2019 arising out of the said writ petition, due

compliance of the Court's order dated 20th August, 2018 passed in W.P. 13046 (W) of 2018 was recorded.

5. It appears that surreptitiously another construction was made on the property. The said Arati Das Majumdar once again filed W.P.A. 6964 of 2024 in respect of the unauthorized construction thereon.

6. Howrah Municipal Corporation admitted that there was no sanction plan for the construction effected. By an order dated 2nd September, 2024 passed in W.P.A. 6964 of 2024 disposed of the said writ petition directing the Howrah Municipal Corporation to conclude the demolition proceedings within six weeks thereafter. The writ petitioner claims to be a purchaser of a flat in the said unauthorized construction. He moved the Writ Court challenging the action of the Howrah Municipal Corporation primarily on the ground that the appellant, Arati Das Majumdar, is a busy body and is in the habit of filing writ petitions randomly even if she was not a neighbour or person affected by the property.

7. It is now well-settled that a challenge can be made to a property constructed unauthorizedly even by a stranger as a law abiding citizen.

8. It is common ground between all the parties before us that there is no sanction plan for the construction effected on the property.

9. In the above circumstances, this Court is of the view that the order of demolition dated 30th January, 2025 passed by the Howrah Municipal Corporation

could not have been upset by the learned Single Judge of this Court.

10. No equity lies in favour of a person, who has intentionally benefited from an illegality.

11. In view of the aforesaid, the impugned order dated 13th June, 2025 passed in W.P.A. 9704 of 2025 cannot be sustained in law and is hereby set aside. W.P.A. No. 9704 of 2025 shall stand dismissed.

12. Howrah Municipal Corporation shall proceed to execute the aforesaid order of demolition dated 30th January, 2025 as expeditiously as possible.

13. The Officer-in-charge, Shibpur Police Station shall render all necessary assistance to the Howrah Municipal Corporation in the process of carrying out the order of demolition and ensuring compliance of this Court's order.

14. With the aforesaid observations, M.A.T. 952 of 2025 shall stand disposed of.

15. In view of disposal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand disposed of.

16. There will be no order as to costs.

17. 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.)