

04.08.2025
Court No.13
Item No.20
AP

MAT 1195 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025

Mehboob Khan and Ors.
Vs.
The Howrah Municipal Corporation and Ors.

Mr. Biswaroop Bhattacharya
Mr. Souvik Das
Mr. Soumava Santra

... For the Appellants.

Mr. S. Banerjee
Mr. Ankit Sureka

... For the Howrah Municipal Corporation.

Re.: CAN 1 of 2025

1. CAN 1 of 2025 is an application for condonation of delay of 8 days in filing the appeal.

2. Sufficient grounds have been made out in the instant application explaining such delay. Hence, the delay is condoned.

3. Accordingly, CAN 1 of 2025 is allowed and disposed of.

Re.: MAT 1195 of 2025
With
CAN 2 of 2025

4. The appeal is directed against a judgement and order dated 21st May, 2025 passed by a Single Bench of this Court. By the impugned order, the Court refused to interfere with an order dated 25th April, 2024 passed by the Howrah Municipal Corporation. The said order is in

the form of a report prepared in the presence of the appellants in compliance with an order dated 18th January, 2024 passed in WPA (P) 15 of 2024 being an Public Interest Litigation before the Bench presided over by the Hon'ble the Chief Justice. The order dated 25th April, 2024 impugned in the writ petition records that the appellants obtained sanction plan from the Howrah Municipal Corporation for construction a Ground plus two storied structure. There were deviations found to the extent of 48.02 Sq. Mt. on the ground floor, 48.02 Sq. Mt. in the first floor and 48.02 Sq. Mt. on the second floor.

5. Learned counsel for the appellants Mr. Bhattacharya submits that a sum of Rs.4,76,671/- is paid for retention of the deviated portions.

6. However, the report also indicates that the appellants' constructed three other floors (i.e. third floor, fourth floor and fifth floor) without any sanction plant whatsoever. The inspection report records the same.

7. In view of the above and the blatant impunity with which not only has the sanction plant being deviated from but three unauthorized additional floors have been constructed by the appellants, this Court finds absolutely no reason to interfere with the impugned order. Howrah Municipal Corporation shall forthwith take steps to demolish the unauthorized construction and permit the appellants to retain any construction for

which any retention amount has been taken from the appellants. Taking of retention amount for the unauthorized construction may also be revisited, if necessary, within the rules of Howrah Municipal Corporation by it.

8. With the aforesaid observation, MAT 1195 of 2025 is dismissed. Consequently, CAN 2 of 2025 is also dismissed.

9. There shall be no order as to costs.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)