

12.06.2025.
Item Nos.16.
Court No. 13
pk

M.A.T. No. 1378 of 2023
With
I.A. No. CAN 1 of 2024
CAN 2 of 2024(Not in file)

Sri Ujjwal Kumar Das Chakraborty
Versus
The State of West Bengal & Ors.

Mr. S. T. Mina,
Mrs. Priyanka Das,
Mr. Pratick Sardar

....For the appellant.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka

... For the H. M. C.

Ms. Sonal Sinha,
Mr. Avishek Prasad

...For the State.

Re: CAN 2 of 2024

1. Affidavit of service filed in Court is taken on record.
2. Sufficient grounds are available to explain the delay of 4 days in filing the instant appeal. Hence, the delay is condoned.
3. Accordingly, CAN 2 of 2024 is allowed and disposed of.

Re: M.A.T. No. 1378 of 2023

4. The instant appeal is directed against an order dated 12.06.2023 whereby the Single Bench found the allegation of the petitioner of unauthorized construction by the private respondent to be unsubstantiated.
5. The learned counsel for the Howrah Municipal Corporation(H.M.C.) has submitted before the Single Bench and reiterates, on instructions, before this

Court that sanctioned plan has been given by the H.M.C. for construction of a ground+1 storied structure.

6. It is submitted that the property tax have been paid for the said ground+1 storied structure since the year 2001.

7. The appellant has, however, alleged that the private respondent has constructed two more stories illegally, thereby making it a three storied structure.

8. The appellant may make an appropriate representation in this regard to the H.M.C. If the H.M.C. finds that there is any unauthorized construction by the private respondent, let urgent and immediate steps be taken under the H.M.C. Act, 1980 with regard to illegal construction by the private respondent.

9. With the aforesaid observations, the instant appeal is disposed of. Consequently, CAN 1 of 2024 is also disposed of.

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.)

