

03.11.2025
sayandeep
Sl. No. 10
ML
Ct. No. 03

WPA 24461 of 2025

Smt. Madhabi Das
Vs.
The State of West Bengal & ors.

Mr. Sanjib Seth

....for the petitioner

Mr. Sandipan Banerjee
Mr. Ankit Sureka

..... for the HMC

1. The present writ petition has been filed, *inter alia*, praying for a direction upon the respondent municipal authorities to cancel and revoke and/or not to give effect to the notice bearing No. 0297/A.E./B-I/25-26 dated 26th August, 2025 issued by the Assistant Engineer, Borough Committee No. I, Howrah Municipal Corporation whereby the petitioner was directed to vacate the occupied portion of the unauthorized construction within 15 days from the date of receipt of the notice. It is the petitioner's case that the petitioner upon obtaining a sanctioned building plan, constructed a G+2 storied building at Howrah Municipal Corporation holding No. 5 Naskarpara Road, P.S.--Malipanchghora District-Howrah.
2. According to the petitioner on 9th October, 2025, the municipal authorities had visited the petitioner's

premises and started demolition of a portion of the petitioner's construction.

3. Mr. Seth, learned advocate representing the petitioner, at very outset, would submit that in the instant case, the petitioner was not given opportunity of hearing. According to him, the municipal authorities without identifying the portion required to be demolished, had demolished the structure. The conduct of the municipal authorities is not in consonance with the statutory provisions and as such he seeks interference.
4. The Howrah Municipal Corporation is represented by Mr. Sandipan Banerjee, learned advocate. He has placed before this Court a bunch of document, *inter alia*, including the status report dated 29th October, 2025. He has also placed before this Court the copies of the notices, *inter alia*, including the minutes of the meeting held on 31st May, 2018 to demonstrate that the petitioner had herself appeared before the hearing officer and had admitted that not only was the construction carried out in deviation of the sanctioned plan but the same was on account of fault of the labour contractor employed by her.
5. This apart, warning letters issued to the petitioner had also been disclosed along with the police intimation notice. Copies of the above documents as placed before the Court by Mr. Banerjee, learned

advocate representing Howrah Municipal Corporation is taken on record. Admittedly, in the writ petition, there is no mention or explanation of the minutes of the meeting held on 31st May, 2018 as regards the admission of the petitioner as mentioned in the said minutes of the meeting. The petitioner has conveniently suppressed the same. This is a material fact especially in relation to the admission of the petitioner in relation to the deviation of the sanctioned plan. Since the petitioner had admittedly deviated from the sanctioned building plan and had acknowledged the same and such fact has been conveniently suppressed by the petitioner in the present writ petition, I am of the view that the writ petition cannot be entertained.

6. The writ petition is accordingly dismissed. There shall be no order as to costs.

(Raja Basu Chowdhury, J.)