

25.02.2026
Ct. No.13
Sl. Nos.10 & 11
akd

M. A. T. 187 of 2026
(C. A. N. 1 of 2026)

[Sakshi Ganga Realtors Private Limited & Anr. -Vs- Howrah Municipal Corporation & Ors.]

W I T H

M. A. T. 188 of 2026

[Sakshi Ganga Realtors Private Limited & Anr. -Vs- Howrah Municipal Corporation & Ors.]

Mr. Arindam Banerjee.. Sr. Advocate
Ms. Ananya Chakraborty
Ms. Anamika Bari
Ms. Malashree Ghosh
... ... for the appellants

Mr. Ankit Sureka
... ... for the HMC

1. The subject appeals are against orders dated 22.01.2026 and 27.01.2026 respectively passed by a learned Single Bench of this court. The two orders are interlocutory in nature. The substance of the grievance of the appellants is in respect of order dated 22.01.2026.
2. It is an admitted position that the appellants had originally applied for and were granted sanction by the Howrah Municipal Corporation to construct a G+3 storied building on the premises in question. It is an equally admitted position that the appellants had constructed three additional floors without any sanction from the Howrah Municipal Corporation.
3. Challenge to the action of the Howrah Municipal Corporation in demolishing the unauthorized construction of the three additional floors was initiated on the basis that the appellants were not served the order of demotion. A postal endorsement was produced before the Single Bench indicating

that the order of demolition was duly served upon the appellants. The learned Single Bench has recorded the same.

4. The argument of Mr. Arindam Banerjee, learned senior counsel for the appellants that the postal endorsement only indicates the expression '*delivered*' to the addressee without naming the addressee in question cannot be entertained by this court. A presumption follows from the postal endorsement that delivery was effected to the addressee of the order of demolition.

5. Mr. Banerjee further argues that in terms of the Kolkata Municipal Corporation (Building) Rules, which are now applied to the Howrah Municipal Corporation, he would have been entitled to additional space for construction since the building was tenanted. The portion occupied by the tenants would be additionally available to his clients to effect construction. He also submits that the object of the Rule is to allow a landlord to get the maximum benefit out of his property after accommodating tenants and using the newly constructed space along with the additional space.

6. The proposition advanced by Mr. Banerjee is disputed by Mr. Ankit Sureka, learned counsel for the Howrah Municipal Corporation. He submits that the Rules as interpreted by Mr. Banerjee would amount to permitting the appellants to *suo motu* effect illegal and unauthorized construction.

7. This Court however, notes that at the time when the original application for sanction was made to the Howrah Municipal Corporation, there was no mention of the existing tenants and corresponding additional space for construction beyond the application for G+3 structure. The subsequent application for additional space beyond the G+3 structure was

made after completion of the construction as per the original sanction. Even without waiting for the Howrah Municipal Corporation to consider sanction of additional space or to consider application of Rules towards sanctioning, the unauthorized construction of three additional floors was made by the appellants.

8. In the facts and circumstances of the case, this Court is of the view that the conditions stipulated by the learned Single Bench to deposit an amount of Rs.2 crores by the appellants as a pre-condition for stay of demolition of the unauthorized construction of three additional floors over and above the existing sanctioned G+3 structure, cannot be faulted.

9. This Court finds that the writ petition is yet to be disposed of. The learned Single Bench in the face of a gross and egregious violation of the original sanction and construction of three additional floors comprising about 16,000 sq. ft. in addition to 7600 sq. ft., found that the appellants have no respect for the law or the authority of the Howrah Municipal Corporation.

10. Be that as it may, the impugned orders dated 22.01.2026 and 27.01.2026 respectively call for absolutely no interference whatsoever. The interim order passed by the Single Bench for deposit of Rs.2 crores is extended for a period of three days from date. In default whereof, the Howrah Municipal Corporation shall proceed to demolish the unauthorized construction as already directed by the learned Single Bench in the impugned orders.

11. With the aforesaid observations and directions, MAT 187 of 2026 and MAT 188 of 2026 stand dismissed.

12. Pending connected applications, if any, also stand disposed of.
13. There shall be no order as to costs.
14. All parties shall act on a server copy of this order duly downloaded from the official *website* of this Court

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)