

05
22.06.2026
Ct. No.15
b.das

WPA 12313 of 2026

Jishana Laskar
Vs.
Howrah Zilla Parishad & Ors.

Mr. Amit Kumar Roy
Mr. Santanu Singha ...for the petitioner.

Mr. Sukanta Chakraborty
Mr. Arpan Guha ...for the private respondent.

Mr. D. N. Ray
Mr. Madhu Jana
Ms. Puja Sonkar ...for the State.

Affidavit of service filed by the petitioner is taken on record.

Howrah Zilla Parishad is not represented.

The petitioner purchased a flat in the building in question from the private respondent sometime in 2008 and noticed that though sanction was granted for construction of G+4 building, two additional floors were raised by the private respondent in violation of the said sanction.

The petitioner approached the Howrah Zilla Parishad for taking necessary steps to demolish the unauthorized portion of the construction but to no effect.

He approached this Court in WPA 14360 of 2022 and by an order passed on 18th April, 2023, a co-ordinate Bench of this Court directed the competent authority of the

Howrah Zilla Parishad to deal with the issue following the procedure laid down in the order.

In compliance thereof, by an order passed on 1st December, 2023, the District Engineer, Howrah Zilla Parishad dealt with the issue and upon holding inspection in presence of the parties and granting them opportunity of hearing, directed the private respondent to demolish the two floors of the building at his own cost. The private respondent sought sanction of the additional floors after receiving appropriate fee and fine which was turned down by the authority.

The petitioner seeks implementation of the said order and has submitted representations before the concerned authority on 17th September, 2025 and 31st October, 2025 for implementation of the same.

Learned counsel for the private respondents submits that the Zilla Parishad had no authority to deal with the issue which ought to have been dealt with by the Panchayat and Rural Development Department, Government of West Bengal. Also, an application for regularization of the unauthorized portion of the construction filed by the private respondent before the Zilla Parishad is pending.

It appears that this Court, by an order passed on 18th April, 2023 directed the competent authority of the Howrah Zilla Parishad to deal with the issue. The Howrah Zilla Parishad has dealt with the issue in compliance with

the said order. An earlier application filed by the private respondent seeking regularization of the unauthorized portion of the construction has been turned down by the authority.

The private respondent has remained silent over the issue till date and has chosen not to challenge the same.

It is surprising to note that though the order was passed by the District Engineer, Howrah Zilla Parishad on 1st December, 2023, it is yet to be implemented.

This Court is informed that the said unauthorized portion has not been demolished by the private respondent till date.

In view of the above, the District Engineer, Howrah Zilla Parishad, being the 3rd respondent herein, is directed to consider the representations submitted by the petitioner in this regard on 17th September, 2025 and 31st October, 2025 and take necessary steps for demolition of the two unauthorized floors in the building in question within four weeks from the date of communication of this order.

The Officer in Charge, Bankura outpost, being the 6th respondent herein is directed to render necessary assistance to the 3rd respondent for implementation of the order.

The writ petition is accordingly disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)