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29.05.2026
Ct. No.8
Vacation Bench
rc/dc

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

MAT 930 of 2026
With
CAN 1 of 2026

Sekh Mofijul & Ors.
Vs.
Mehraj Alam Ansari & Ors.

Md. Mahmood,
Ms. Sahana Aktar ...for the Appellants.

Mr. S. K. Humayun Reza ...for the Respondent No.1.

Mr. Lokenath Chatterjee,
Mr. Atanu Basu ... for the Respondent Nos.2 & 8.

1. Affidavit-of-service filed by the appellants be kept with the record.
2. This appeal along with the application is taken up for hearing with consent of the parties.
3. This is an appeal from an order passed by the learned Single Judge on May 15, 2026. By the impugned order, the Learned Judge has directed the concerned authorities to take immediate steps to demolish the unauthorized structure/portion of the premises situated at Dag No. 569(RS), 527(LR), Khatian No. 1931(RS), 1020(LR), J.L. No. 55, Mouza-Bankra, PS- Domjur, Howrah.
4. The order has been assailed on the ground that no unauthorized construction has been made at the said premises.

5. The appellants submits that there are two structures on the said premises and both have been constructed in terms of the sanctioned plan dated 26.12.2012, which expired within a period of five years therefrom, sometime in December 2017. The appellants were unable to produce any sanctioned plan, except for one aforestated plan of 2012. Reliance has also been placed on a report filed by the District Engineer of Howrah Zilla Parishad, which states that there are two buildings which are adjacent to each other and that there is no sanctioned plan of G+1 building nor the plan of 26.12.2012 being updated or revalidated.
6. We have heard the learned advocates appearing for the parties. It is clear from the records that the sanctioned plan dated 26.12.2012 has expired on 20.12.2017, by lapse of time. No further sanctioned plan has been produced in Court.
7. The construction at the said premises, of two buildings one being a G+4 and the other is a G+1. The plan relates to G+4 structure and not to the other building.
8. In view of the aforestated, it is clear that there is no sanctioned plan in the G+1 structure or for any other structure at the premises.
9. In the aforestated, we find no reason to interfere with the findings of the learned Single Judge and hence, are not inclined to enter in this appeal.

10. In view of the aforestated findings, the appeal along with the stay application is dismissed.
11. There shall, however, be no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Krishna Rao, J.)

(Reetobroto Kumar Mitra, J.)