

Item No.6
11.06.2026
Court. No. 12
GB

MAT 949 of 2026
With
CAN 1 of 2026

Subodh Kumar Shaw
Vs.
Howrah Municipal Corporation & Ors.

*Mr. Saptanshu Basu, Sr. Adv.,
Ms. Moumita Dhar,
Ms. Tuhina Yasmin Tarafder*

...for the Appellant.

Mr. Sandipan Banerjee

...for the HMC.

1. The appellant is aggrieved by the refusal on the part of the learned Single Judge to pass an interim order, by protecting the demolition work that was being carried out by the Howrah Municipal Corporation.
2. His Lordship was of the view that the matter had a chequered history and there was a subsisting order of a coordinate Bench, directing demolition. With certain directions, the contempt application was also disposed of on the ground that the corporation had taken steps for substantial compliance of the order passed by Her Lordship, in the earlier round of litigation.
3. His Lordship was of the view that the matter could not be heard and no protection could be given in respect of the unauthorized constructions, without hearing the person who had complained about such construction. The direction to add the said person is proper.
4. We are not in a position to go into the factual issues, as they are still open and to be decided by His Lordship. However, we find that fourth and the fifth floors are

totally unauthorized. It is submitted that parts thereof have been demolished.

5. Under such circumstances, total demolition of the fourth and fifth floors shall be taken up by the corporation and the local police will assist the corporation in this exercise. There shall be no obstruction to such demolition process and the police authorities will ensure the same.
6. However, with regard to the other deviations, it is submitted by Mr. Basu, learned senior Advocate that, in the earlier proceeding the Writ Court directed that spot inspection should be made, before the demolition was undertaken.
7. According to Mr. Basu, although, the quantum of deviations have been indicated in the report, the exact portion and nature of the deviation in respect of each of the remaining floors have neither been indicated nor delineated. The report is vague.
8. We are of the view that those portions which have been constructed in deviation of the plan should be identified by a physical inspection in the presence of the parties, by comparison of the construction with the sanction plan. The inspection shall be held by an engineer and his team of the Howrah Municipal Corporation, in the presence of the appellant and the complainant, in order to identify the portions which are to be demolished on account of deviation. The report shall be filed before His Lordship. The same shall be prepared, delineating the portions that were unauthorized due to deviation

from the sanction plan. In short, a demolition sketch map should be prepared.

9. We dispose of the appeal with the above observations.
10. The matter will appear before the appropriate Bench having determination.
11. The compliance report with regard to total demolition of the fourth and fifth floor will also be filed before His Lordship.
12. The inspection shall be completed within a period of three weeks from date. His Lordship will proceed independently thereafter.
13. It is the sole responsibility of the corporation to effect the demolition of the fourth and fifth floor, as they are duly bound by law as also bound by the order of this Court. How they are going to carry out the demolition is left to the engineers.
14. Accordingly, the appeal and the connected applications are disposed of.
15. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all other formalities.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)