

10.03.2026
Ct. 3
Item No.
AD 6
Saswata

WPA 25965 of 2025

**Ayasha Moin & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Sounak Bhattacharya
Mr. Souvik Das
Mr. Rudranil Das

...For the petitioners

Mr. Sandipan Banerjee
Mr. Ankit Sureka

...For the Howrah Municipal Corporation

2. The instant writ petition has been filed, inter alia, challenging a notice dated 27th January 2025 whereby the additional construction over G+II storied building along with deviations have been directed to be stopped forthwith.

3. The petitioners would contend that the petitioners had been carrying on construction of a G+II storied building with the approval of the HMC at holding no. 2/3 Rammohan Mukherjee Lane, Ward no. 32 P.S. Shibpur, Howrah 711102. In support of his contention, the learned advocate for the petitioners has placed reliance on a sanctioned building plan. From the aforesaid sanctioned plan as disclosed by the petitioners, it is apparent and clear that the sanction was in respect of G+II storied building.

4. According to the petitioners, the construction at the above premise is in accordance with the

sanctioned building plan and such construction is up to G+II stories only.

5. The municipality is represented. According to the learned advocate for the municipality the objection is not with regard to construction in accordance with the plan, but the construction beyond such plan.

6. Having heard the learned advocates appearing for the respective parties, I find that the stop work notice issued by the municipality is in respect of a construction over G+II storied building and does not interfere with the rights of the petitioners to construct a building up to G+II stores. If the petitioners had chosen to construct any additional floor or had acted in deviation of such sanction plan, the petitioners cannot have the right to challenge the same by invoking the extra ordinary jurisdiction under Article 226 of the Constitution of India. No protection can be afforded to the petitioners in the facts of the case.

7. The writ petition accordingly stands dismissed.

8. All parties shall act on the basis of the server copy of the order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)