

31
11.02.2026
Ct. No. 3
SB

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 27592 of 2025

Tapas Roy
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal)
Mr. Biswarup Chatterjee
Ms. Sangita Banerjee
Mr. Sarbani Dutta ... for the petitioner

Mr. Sandipan Banerjee
Mr. Ankit Sarkar
... for Howrah Municipal Corporation

Mr. Susovan Sengupta
Mr. Manas Kumar Sadhu
... for respondent nos. 1 & 7

1. The present writ petition has been filed *inter alia* seeking for an order that the demolition proceedings initiated by the respondent authorities in respect of the petitioner's premises situate at Plot No. 43, Holding No. 34 1/1 Dharmadas Ganguly Lane, Post Office & Police Station – Shibpur, District – Howrah be forthwith brought to a halt.
2. Learned advocate appearing for the petitioner would submit that the municipal authorities without any rhyme or reason has started a demolition proceeding although, the construction that has come up at the above premises is in accordance with the sanctioned building plan. In support of her contention she has also placed reliance on a plan sanctioned by the Municipal Authorities which would demonstrate the G+1 storied

residential building has been sanctioned by the Howrah Municipal Corporation on 02.07.2021.

3. Mr. Banerjee, learned advocate representing the Howrah Municipal Corporation on the other hand by placing before this Court a report dated 09.02.2026 would submit that though the plan was for construction of a G+1 storied building, the person responsible has constructed additional three floors. A stop work notice was issued on 16.2.2023. Subsequently, show-cause notices-cum hearing letters were issued on 09.3.2023 and 27.3.2023. The petitioner had attended the hearing on 31.3.2023. Subsequently, a self demolition notice was issued on 23.4.2023 for demolition of the deviated portions beyond G +1 level. The police authorities were also duly intimated with regard to the above. Following the above, the demolition work had been fixed on 03.9.2025, 16.9.2025, 26.11.2025, 27.11.2025, 28.11.2025 and 29.11.2025. According to the report, the demolition has been partially carried out, and a demand letter seeking cost of demolition was issued on 10.12.2025.
4. Having heard the learned advocates appearing for the respective parties and noting that admittedly the petitioner had deviated from the sanction building plan, I am of the view that there is no irregularity on the part of the municipal authorities in taking steps for demolition of the unauthorized construction. Simply because the petitioner had made an application for regularization, the same, in my view cannot stand in the way of the municipal authorities to take step in the matter. Further the nature of deviation of constructing three additional floors

ordinarily, in my view cannot authorize the municipality to regularize the same.

5. The writ petition is disposed of.

(RAJA BASU CHOWDHURY, J.)