

12th June,
2024
(AK/PM)
08

MAT 56 of 2024
IA No: CAN 1 of 2024

Sukumar Santra and others
Vs.
Sri Muroti Mohan Santra and others

Mr. Somnath Roy Chowdhury
Ms. Arpita Chowdhury
...for the appellants.

Mr. Saikat Chatterjee
Mr. Satyajit Mahata
...for the State.

Ms. Nibedita Chakraborty
...for the private respondent no.1.

1. Appellants contend learned Single Judge directed implementation of the demolition order dated 08.12.2021 which was supervened by a subsequent order dated 14.07.2023. Operation of the subsequent order has been injunctioned by a civil court.
2. Learned counsel for private respondent no.1 contends the appellants had illegally constructed first and second floor on the building. Stop work notice indicates first floor of the building was unauthorizedly constructed.

3. In rebuttal, learned counsel for appellants submits that the building is an old one and had been constructed in 1968.
4. We have examined the demolition orders dated 08.12.2021 as well as 14.07.2023. Both the demolition orders are cryptic in nature. They do not indicate the nature and extent of unauthorized construction to be demolished.
5. Under such circumstances, we are of the opinion, implementation of the aforesaid vague demolition orders are unexecutable.
6. Appellants have made out an arguable case in their favour. Unless the impugned order is enjoined its implementation shall cause irreparable injury to the appellants.
7. Accordingly, we direct stay of operation of the impugned order dated 03.01.2024 until further orders.
8. In order to ascertain the nature and extent of unauthorized construction, if any, in the premises, we direct a joint inspection of the premises by the Howrah Municipal Corporation (HMC) on 20th June, 2024 at 12 noon.
9. Appellants as well as the private respondents shall be present during joint inspection. No further

notice shall be served upon them. Joint inspection report shall be filed before this court on the adjourned date.

10. Matter will appear three weeks hence (10th July, 2024).

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)