

ML 2410  
08.05.2026  
sayandeep  
Ct.3.

**WPA 671 of 2025**

Avra Adhya  
Versus  
The Howrah Municipal Corporation & Ors.

Mr. Amritam Mandal  
..... for the petitioner

Mr. Sandipan Banerjee  
Mr. Santanu Chatterjee  
..... for the HMC

Mr. Srijib Chakraborty  
Mr. Washim A. Dafader  
.... For the respondent Nos. 6 and 7

1. The present writ petition has been filed, inter alia, complaining illegal construction at the behest of the respondent Nos. 6 and 7 at premises/ Holding No. 76 Upendranath Mitra Lane, P.O. Salkia, P.S. Golabari, Howrah, Ward No. 12, Borough-II, HMC. The petitioner complains that despite making complaint, the municipality has failed to take any steps.
2. According to the petitioner, when the matter was moved on 17<sup>th</sup> June, 2025, though this Court directed the municipality to file a report in response to the allegations of unauthorized construction within 2 weeks, the municipality did not bother to file any report. In circumstances as aforesaid, the aforesaid application being CAN 1 of 2025 has been filed.
3. Learned advocate for the petitioner would submit that though the original sanction was for G+4 storied, the building in question has been

**WPA 671 of 2025**

constructed up G+7 storied and the aforesaid development has taken place subsequent to filing of the writ petition. The municipality has filed report dated 7<sup>th</sup> March, 2026 and has claimed that there is a G+7 storied building standing at the aforesaid holding though sanction was up to G+4 storied. The report further records that stop work notice had been issued on 9<sup>th</sup> December, 2024 and later, after giving police intimation, self-demolition notice has been issued on 16<sup>th</sup> July, 2025. A joint inspection date was also fixed on 22<sup>nd</sup> August, 2025 as per High Court's order. It is also noted that in the above report that demolition is continuing.

4. Learned advocate for the petitioner at this stage, would submit that at no point of time, the petitioner was served with any notice with regard to joint inspection.
5. Mr. Chakraborty, learned advocate appears for the private respondents. He prays for an accommodation to take appropriate instruction in the matter.
6. Having heard the learned advocates appearing for the respective parties and upon going through the report since, it does not appear that any joint inspection has been carried out and that the building has come up to the level of G+7 storied in deviation of the original sanction plan, in my

**WPA 671 of 2025**

view the municipality must act immediately and carry out an inspection of the locale and file a detailed report before this Court when the matter is taken up next. The report must include whether the portion which has been unauthorisedly constructed is under the occupation of any particular person(s). The names of such person(s) must be disclosed and the basis of, or the authority under which such person(s) have been occupying the property must also be disclosed. The report must contain an inventory of the unauthorised portion. The report must also disclose the photographs of the unauthorised portion.

7. List this matter for further consideration on 18<sup>th</sup> May, 2026 under the heading "Upgraded Motion".
8. Since at this stage, learned advocate for the petitioner would submit that entire building is remain unoccupied and since the above building is under construction, both the municipality and the police authorities are directed to ensure that the unauthorised portion is not permitted to be occupied till the matter is taken up next.

**(Raja Basu Chowdhury, J.)**