

13.10.2023
Item No.750
Ct. No.17
S.A.

WPA 11557 of 2023

Indrani Panja

-vs-

Howrah Municipal Corporation & Ors.

Mr. Ayan Banerjee
Ms. Debjani Sengupta
Ms. Poulami Ghosh

...for the petitioner

Mr. Arghadip Das
Mr. Rameshwar Sinha

...for the private respondent

Mr. Sadipan Banerjee
Mr. Ankit Sureka
Mr. Sobhon Majumder

...for Howrah Municipal Corporation

From pages 31 and 32 which are two photographs of illegal construction it is found that huge constructions have been made against which such allegations have been made. The order of self-demolition was passed by the Howrah Municipal Corporation on 19.09.2022.

Learned advocate for the respondent nos.6 and 7 has submitted that against this order of self-demolition was not challenged.

Therefore, I direct the Howrah Municipal Corporation and the Police Authority to take immediate steps to demolish the entire portion of the illegally constructed part of the building at the cost of the private respondents by three weeks from date and the authorities named above shall have the liberty to use any machinery or tools for demolition of the structure.

It is submitted on behalf of the petitioner that there are only three holes in the roof which have been made in the name of the demolition, which is not acceptable to this court. Therefore, the order of full demolition of the entire illegal structure has been passed which is to be carried out by three weeks (that is 21 days) from date and a report thereto has to be filed before this court on 1st December, 2023. The concerned police authority and the municipality shall also see that there is no other construction in the said plot of land. The petitioner is directed to bring it to the notice of the police and also the municipal authority if there is any type of construction, however, small that be, made in the said illegal construction and on receiving such application the Police Authority and the Municipal Authority shall take steps forthwith.

The illegal construction has been made in Ward no.44. Now, I understand there is no local Councillor in that Ward because the time period for the local Councillors have expired. However, there is a Sub-Assistant Engineer and An Assistant Engineer of the Municipal Corporation being the respondent nos.3 and 4 who are held responsible for such illegal construction and this court does not believe that without their covert or overt support such an illegal construction could have been made.

Therefore, the Assistant Engineer being the respondent no.3 as well as the Sub-Assistant Engineer being the respondent no.4 are directed to file affidavit showing cause as to how such construction has been made despite their presence and getting salary from the public exchequer. Such affidavit is to be filed by them on 18th October, 2023 though the matter will appear in the list on 1st December, 2023. On 18th October, 2023 the matter will also appear under the heading "To Be Mentioned".

List the matter accordingly.

Mr. Sobhon Majumder, learned advocate for the Howrah Municipal Corporation is directed to communicate this order to the respondent nos.3 and 4 as to filing affidavits as has been indicated above on 18th October, 2023 when this matter will be taken up at 3 p.m. The officers being respondent nos.3 and 4 shall appear before this court personally on 18.10.2023.

(Abhijit Gangopadhyay, J.)