

2025 LiveLaw (SC) 858

IN THE SUPREME COURT OF INDIA

J.B. PARDIWALA; J., K.V. VISWANATHAN; J.

SPECIAL LEAVE PETITION (CIVIL) Diary No.16673/2025; 25-08-2025

M/S. T.S CONSTRUCTION & ORS. versus THE HOWRAH ZILLA PARISHAD & ORS.

Howrah Zilla Parishad Bye-laws, 2005 - Regulation 2015 - Unauthorized Construction - Supreme Court appreciated High Court's action in addressing unauthorized constructions and emphasized that it is 'high time' for the High Court to handle such issues across the city of Calcutta in larger public interest - Held that it is high time that the High Court in larger public interest takes up this issue and ensures that each and every unauthorized construction across the city is dealt appropriately in accordance with law - Held that High Court has looked into the Resolution dt. 12.08.2024, passed by the Howrah Zilla Parishad - Petition dismissed.

[Paras 5-8]

[Arising out of impugned final judgment and order dated 26-11-2024 in MAT No. 2079/2024 passed by the High Court at Calcutta]

For Petitioner(s): Ms. Riya Dutta, Adv. Mr. Adeel Ahmed, AOR

ORDER

1. Delay condoned.
2. This petition arises from the judgment and order passed by the High Court at Calcutta dated 26-11-2024 by which the High Court dismissed the WPA No.22845/24 filed by the petitioners – herein and thereby allowed the MAT No.2079/24 filed by the original complainant- Respondent No.9 – herein.
3. This litigation has something to do with unauthorized construction in the City of Calcutta. The facts recorded by the High Court in its impugned order speak for themselves.
4. It appears that the petitioner – herein relied on Regulation 2015 of the Howrah Zilla Parishad Bye-laws, 2005. However, the same has been appropriately dealt with by the High Court.
5. The High Court has even looked into Resolution dated 12-8-2024 passed by the Howrah Zilla Parishad and the last paragraph of the said Resolution reads thus: -

“Be that as it may we the members of the Building Committee of Howrah Zilla Parishad on perusal of the entire report came to the conclusion that the partly fifth floor construction and the cantilever projections over the mandatory open spaces of the building standing upon in R.S. Dag No. 1455, R.S. Khatian No.-1354, corresponding to L.R. Dag No.- 1568, L.R. Khatian No.11823 to 11827 of J.L. No.-111, Mouza- Chakpara, P.S. Liluah under Chakpara Anandanagar Gram Panchayat, Dist.- Howrah; is an unauthorized one. These unauthorised portions of the building have been constructed by deviating from the sanction plan of Howrah Zilla Parishad. Further the plea of respondent no. 7 & 8 that all the deviations and extra floor constructions has been made in presence and verbal consent of the petitioner, is not tenable as the petitioner is not the competent authority to pass or approve any building or construction. Also as the respondent no. 7 & 8 had taken provisional sanction of the building from Howrah Zilla Parishad vide Memo no. 538/032/HZP/EP dated 13/03/2018 so it is very well concluded that the respondents were aware of Government norms and the deviations have been made knowingly and deliberately. Thus, the revised plan submitted by the respondents on 19/07/2021 cannot be considered at this moment. The respondents i.e, M/s. T.S. Construction, Sri Tapas Saha & Sri Supriyo Mazumdar are hereby

directed to remove the unauthorised portions of their existing building at their own cost. Parties to comply the order.”

6. We appreciate the concern shown by the High Court in taking appropriate action against such unauthorized constructions all across the city.

7. It is high time that the High Court in larger public interest takes up this issue and ensures that each and every unauthorized construction across the city of Calcutta is dealt with appropriately in accordance with law.

8. With the aforesaid, this petition stands dismissed.

9. All pending applications including application for intervention also stand disposed of.

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