

S/L 45
01.10.2020
Court No.12
SD

W.P.A. 7191 of 2020
CAN 1 of 2020
(Via Video Conference)

Soniya Shaw
Vs.
State of West Bengal & Ors.

Mr. Baidurya Ghosal
Ms. Sangeeta Roy

...for the Petitioner.

Mr. Tapas Banerjee
Mr. Sandipan Banerjee

...for the Howrah Municipal Corporation.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by a show cause notice dated June 18, 2020 issued by the Executive Engineer, Building Department, Howrah Municipal Corporation.

By virtue of this notice, petitioner has been directed to show cause as to why certain portions of the impugned building should not be demolished.

In reply to this letter of show cause, petitioner has made a representation on August 30, 2020 that has been received by the Corporation.

Counsel appearing on behalf of the Howrah Municipal Corporation fairly submits that the representation made by the petitioner may be considered by the respondent authorities.

In light of the same, the Executive Engineer, Howrah Municipal Corporation being respondent no.6 herein is directed to grant an opportunity of hearing to the petitioner and thereafter pass a reasoned order within six weeks from date.

It is made clear that no coercive measure shall be taken by the respondent no.6 within the six weeks. Subsequent to passing of the order as indicated above, the Howrah Municipal Corporation shall be at liberty to proceed in accordance with law.

With these observations, WPA 7191 of 2020 along with the connected application are disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)