

10.08.2021
Sl. No.16
srm

W.P.A. No. 12277 of 2021

**M/s. City Devcon Pvt. Ltd. & Ors.
Vs.
Howrah Municipal Corporation & Ors.**

Mr. Saunak Bhattacharya,
Mr. Bijoy Bag

...for the Petitioners.

Mr. Sandipan Banerjee,
Mr. Ankit Surekha

...for the HMC.

Affidavit-of-service is taken on record.

Mr. Sandipan Banerjee, learned Advocate appearing on behalf of the Howrah Municipal Corporation, prays for service of a copy of the writ petition.

The learned Advocate-on-record for the petitioners is directed to serve a copy of the writ petition upon Mr. Banerjee in course of the day.

The petitioners are aggrieved by non-consideration of the representation of the petitioner No.2 dated July 29, 2021 made before the Commissioner, the Administrator of the Howrah Municipal Corporation and the Chairman/Chairperson Board of Administrators. By the said representation, the Corporation was requested to grant permission for demolition of the structure named and styled as "Parvati Cinema", situated on 189/6, Netaji Subhas Road, P.S. Bantra, District Howrah. The learned Advocate for the

petitioners has placed reliance on two communications from the Corporation which show that sometime in 2018 the Corporation had directed the petitioners to repair the entire building to ensure its safety and security as the building was in a dilapidated condition and a condemned one.

According to Mr. Bhattacharya, learned Advocate appearing on behalf of the petitioners, when the Corporation itself was of the opinion that the building was dilapidated and could not be permitted to stand without any permanent repair or renovation, the prayer of the petitioners for permission to demolish the building under Section 180 of the Howrah Municipal Corporation cannot be denied.

Mr. Banerjee submits that the authorities concerned cannot take a decision unless an inspection is made in presence of the petitioners and all other aspects raised by the petitioner No.2 in the representation is considered on the facts of the case. Mr. Banerjee further submits that in order to allow such demolition, the Corporation is to satisfy itself there no legal proceedings involving such building or land appertaining to such building was pending and also whether any other person has any right to the property.

Having heard the rival contentions of the parties, this writ petition is disposed of with a direction upon the competent authority of the Howrah Municipal Corporation to

dispose of the representation of the petitioner No.2 dated July 29, 2021 being Annexure P-4 to the writ petition. The said matter shall be disposed of in accordance with law upon hearing the petitioners and any other interested party. If any inspection is made, the same shall be made with notice to the petitioners and other interested parties. A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

This Court has not gone into the merits of the claim of the petitioner and the Corporation shall decide the issue in accordance with law.

This writ petition is, thus, disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)