

Item No. 10

20.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 27467 of 2022
Smt. Sarita Singh
v.
Howrah Municipal Corporation & Ors.

Mr. Dilip Samanta
Mr. Uttam Kumar Mondal
Ms. M. Roy
... for the petitioner.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumder
... for HMC.

The grievance of the petitioner is that the Howrah Municipal Corporation is taking steps to demolish the construction at 13/1/1, Dr. P.K. Banerjee Road, P.S.-Howrah, Ward No. 29 without any notice upon the petitioner who happens to be the owner of the subject premises.

It appears that the Howrah Municipal Corporation has issued notice in favour of the husband of the petitioner but no notice has been served upon the petitioner herself.

From the impugned order of demolition it appears that the Corporation sanctioned plan for making construction up to the G+2 floor level but the person responsible constructed the 3rd, 4th and 5th floors without obtaining any sanction from the Corporation.

The petitioner has annexed the order of demolition issued in favour of her husband.

Technically speaking, the petitioner being the owner of the subject premises, is entitled to a notice.

The Howrah Municipal Corporation is accordingly directed to serve notice upon the petitioner and all other interested parties intimating the date of hearing or the steps to be taken to deal with the unauthorized construction made at the subject premises. The Corporation will be at liberty to affix relevant notices in connection with the subject property at conspicuous place at the site where construction is being made.

The Corporation is directed to proceed in the matter after giving reasonable opportunity of hearing to all the parties to defend themselves prior to passing of the final order in connection with the demolition proceeding.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)