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23.12.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 28648 of 2022

**Md. Makhdom Reza @ Maqdoom Reza & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Saptarshi Kumar Mal,
Mr. Rishabh Ahmed Khan.
...For the Petitioners.**

**Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder.
...For HMC.**

**Mr. H.C. Chakraborty,
Ms Debdooti Dutta.
...For the State.**

A demolition programme has been scheduled on 29th December, 2022 by the Howrah Municipal Corporation to demolish the unauthorized construction at 36/21, Hara Chand Mukherjee Lane, Howrah, Ward No.-20.

From the documents placed before this Court today, it appears that in compliance of the direction passed by this Court on 30th March, 2022 in WPA 5533 of 2022 a joint inspection was conducted on 20th April, 2022. A hearing was also conducted thereafter on 18th May, 2022.

An order was passed by the competent authority of the Howrah Municipal Corporation directing the

petitioners and the developers to demolish the unauthorized construction within 15 days and in default, the Corporation will be at liberty to cause the demolition and the cost of demolition is to be paid by both the petitioners and the developers.

Learned advocate appearing for the petitioners submits that the petitioners were not afforded any opportunity of hearing prior to passing the order of demolition. No notice of inspection was also served upon them.

From the documents placed by the Howrah Municipal Corporation, it appears that the petitioner No.1 Md. Makhdum Reza appeared in the hearing with Mr. Dharmendra Shaw and made necessary submission. Accordingly, the contention of the learned advocate appearing for the petitioners that no notice was given and no opportunity of hearing was given to the petitioners is an absolute incorrect statement.

The Howrah Municipal Corporation acted in accordance with the direction passed by the Court and took steps for demolition of the unauthorized construction.

In view of the above, no relief can be granted to the petitioners in the present writ petition.

The writ petition, accordingly, fails and is hereby dismissed.

The Howrah Municipal Corporation is directed to proceed with the demolition scheduled on 29th December, 2022.

The Howrah Municipal Corporation is directed to regularize the engagement of Mr. Sandipan Banerjee and Mr. Ankit Surekha learned advocates who appeared on behalf of the Howrah Municipal Corporation at the request of the Court.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)