

Item No. 293

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

29.09.2023
Ct-24
A.G.M.

WPA 6130 of 2023

Calcutta Landing and Shipping Company Limited
v.
Howrah Municipal Corporation & Ors.

Mr. Debabrata Saha Roy
Mr. Subhankar Das
Mr. Aditya Mondal
... for the petitioner.

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

The order passed by the Assistant Engineer in-charge, Building Department, HMC dated 3rd March, 2023 rejecting the prayer of the petitioner for renewal of the sanctioned building plan is impugned in the instant writ petition.

On a perusal of the said impugned order, it appears that no reason is mentioned therein for refusing the petitioner's prayer. The impugned order is a one-line order mentioning that the prayer is cancelled. Till a reason is mentioned for cancellation, the legality of the impugned order cannot be properly adjudicated by the Court.

Any order passed by the authority, without mentioning reasons therefor amounts to a non-speaking

order and is in violation of the principles of natural justice.

The petitioner ought to know the reason for cancellation of the prayer for renewal of the sanctioned plan.

In view of the above, the impugned order cannot be held to be tenable in the eye of law. The same is set aside.

The Corporation is directed to communicate the reason for not allowing the prayer of the petitioner seeking extension of the validity of the sanctioned plan positively by 10th October, 2023.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)