

Item No.04

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

14.09.2023
Ct-24
AGM

WPA 16826 of 2023

Sachin Prasad

v.

The Howrah Municipal Corporation & Ors.

Mr. Sanjib Seth

Mr. Utsa Dutta

... for the petitioner.

Mr. Sandipan Banerjee

Mr. Ankit Sureka

Mr. Sobhon Majumdar

... for the HMC.

Specific grievance of the petitioner is that the order of demolition was passed without affording any opportunity of hearing to him.

The matter was heard by this Court on 20th July, 2023. As on date there is nothing on record to suggest that the order of demolition was passed upon giving opportunity of hearing to the petitioner.

In view of the above, the Howrah Municipal Corporation is directed to afford reasonable opportunity of hearing to the petitioner and all other necessary parties and pass order in the matter dealing with the issue of unauthorised construction.

The impugned order of demolition shall be kept in abeyance till fresh order is passed by the Corporation.

As unauthorised construction has been detected by the Corporation, the petitioner is restrained from

carrying on any further construction or alienating/transferring or creating any third party right in the subject structure.

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.)