

02
27.07.2023
d.p.

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

W.P.A 16888 of 2023

**Guddu Rajbanshi & Ors.
-versus
The State of West Bengal & Ors.**

**Ms. Pampa Dey (Dhabal),
Mr. Nikhil Kumar Gupta,
Mr. Krishna Deo Das.
...For the Petitioners.**

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

**Mr. Saurav Chaudhuri,
Ms. Oindrila Chatterjee.
...For the State.**

Learned advocate appearing for the petitioners submits, upon instructions, that there is no rent receipt in favour of the petitioners issued by the Corporation for occupying the land in question. It has been admitted that the land belongs to the Corporation and the petitioners are simply occupying the same.

It appears that there is no legal right of the petitioners to occupy the land in question. The Corporation never permitted the petitioners to occupy the land. Presently, the Corporation intends to utilize the land for widening the roads.

As the petitioners claim to be residing in the land in question for more than fifty years by raising

construction, accordingly, opportunity of hearing be given to the petitioners prior to taking any coercive steps to forcefully evict them from the subject land.

The petitioners will be entitled to place their grievances before the Commissioner, Howrah Municipal Corporation or his delegate.

A reasoned order shall be passed and communicated to the parties.

It is expected that the Corporation will take a decision in the matter at the earliest and will not take any coercive measure prior to passing any final order in the matter.

In the event notice of hearing cannot be served personally upon the occupiers, then the notice of hearing shall be affixed at conspicuous places in and around the structure in question and the locality where the structures have been set up, so that everybody is aware of the date of hearing. The matter shall be decided without granting any unnecessary adjournment to either of the parties.

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.)