

Item No.10

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

06.09.2023
Ct-24
AGM

WPA 18992 of 2023

Smt. Jyoti Shaw & Ors.

v.

The Howrah Municipal Corporation & Ors.

Mr. Debjit Mukherjee

Ms. Susmita Chatterjee

... for the petitioners.

Mr. Sandipan Banerjee

Mr. Ankit Sureka

Mr. Sobhan Majumdar

... For the Howrah Municipal Corporation.

The order of demolition passed by Howrah Municipal Corporation cannot be implemented allegedly on the ground that all the co-owners of the subject property were not afforded an opportunity of hearing prior to passing the order of demolition.

Without entering into the allegation of the petitioners that notice of the demolition proceeding was not served upon them and only with a view to put at rest the issue in question, the Howrah Municipal Corporation is directed to grant fresh opportunity of hearing to all the co-owners and all other necessary parties to decide the issue of unauthorised construction.

The hearing shall be concluded at the earliest but positively within a period of three months from the date of communication of this order.

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

If it appears that any unauthorised construction exists at the subject premises, prompt necessary steps shall be taken to deal with the same in accordance with law.

The impugned order of demolition is directed to be kept in abeyance till fresh final order is passed by the Corporation in accordance with the direction passed hereinabove.

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.)