

ML 38
09.10.2023
Ct. No. 15
adeb

W.P.A. 18567 of 2018

Atul Anand Singh

Vs.

The Howrah Municipal Corporation & Ors.

Mr. Goutam Dey

Ms. Ankita Ghosh

....for the Applicant

Mr. Debjit Mukherjee

Mr. Sreyash Kumar Singh

...for the respondent no. 7

Mr. Sandipan Banerjee

Mr. Ankit Sureka

Mr. Sobhan Majumder

**...for the Howrah Municipal
Corporation**

Mr. Sounak Bhattacharya

Mr. Sanak Mondal

...for the respondent no. 8

Writ petition is taken up for consideration in presence of the learned advocates representing the petitioner, respondent no. 7 and Howrah Municipal Corporation.

It has been submitted by the learned advocate for the Howrah Municipal Corporation that inspection was carried out at the locale where the premises in question situates. However, hearing could not be conducted since on inspection it was found that in third, fourth and fifth floors of the building in question several persons are staying who are flat owners or occupiers. According to the Howrah Municipal Corporation unless and until Court grants leave to the concerned authority of the

corporation to conclude the hearing they were under the dilemma whether without hearing those persons who are flat owners or occupiers of third, fourth and fifth floors of the building hearing can be concluded or not.

Upon considering the contentions made on behalf of the petitioner, respondent no. 7 and Howrah Municipal Corporation it appears that before passing final order in the demolition proceeding initiated by the Howrah Municipal Corporation the persons who are flat owners or occupiers of third, fourth and fifth floors of the building in question are required to be heard.

Mr. Goutam Dey, learned advocate for the petitioner is directed to share details of the flat owners or occupiers of third, fourth and fifth floors of the building in question to the learned advocate for the Howrah Municipal Corporation by 17th October, 2023. On receipt of particulars of aforesaid flat owners or occupiers Howrah Municipal Corporation shall issue notice of hearing to those flat owners or occupiers within 4 (four) weeks thereafter.

It is made clear if notice could not be effected upon any of the aforesaid flat owners/occupiers in that event the concerned authority of corporation shall paste notice at the conspicuous place of the building which would be deemed to be due notice upon those flat owners or occupiers.

Upon issuance of notice within 8 (eight) weeks thereafter on granting opportunity of hearing to the substituted respondent nos. 7 (a) and 7 (b) as well as the petitioner including flat owners or occupiers the hearing would be concluded and the final order in the demolition proceeding shall be passed by the concerned authority of Howrah Municipal Corporation. The order to be passed by the Howrah Municipal Corporation shall be communicated to the parties within 1 (one) week thereafter.

Mr. Sounak Bhattacharya, learned advocate representing respondent no. 8 has submitted that unnecessarily said respondent no. 8 has been arrayed as party respondent. He has prayed for expunging the name of respondent no. 8 from the array of respondents. However, this Court has disposed of this writ petition today by passing final order. Therefore, expunging name of respondent no. 8 is not necessary.

With the aforesaid directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)