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30.08.2023
d.p.

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

W.P.A 20256 of 2023

**Dibakar Naskar & Anr.
-versus
The Howrah Municipal Corporation Ors.**

**Mr. Sanjib Seth,
Ms. Utsa Dutta.
...For the Petitioners.**

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

The petitioners claim to be the co-owners of the subject property which is suffering an order of demolition.

The petitioners submit that the notice of hearing of the demolition proceeding was not served upon them. Only the notice to vacate the unauthorized portion was issued to the petitioners.

Learned advocate appearing for the Corporation submits, upon instructions, that fresh hearing may be conducted upon giving prior notice of hearing to all the parties.

In view of the aforesaid submission, the writ petition is disposed of by directing the Municipal Commissioner or his delegate to issue notice of hearing to all the necessary parties including Sri Subir Naskar

who was the writ petitioner in WPA 9270 of 2023 where order was passed permitting the Howrah Municipal Corporation to take steps for demolition of the unauthorized construction.

The concerned officer of the Howrah Municipal Corporation shall conduct a site inspection upon giving notice to all the necessary parties.

The report of spot inspection shall be forwarded to all the parties and thereafter a final order be passed in the matter after hearing the parties.

The entire exercise shall be concluded at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

In view of the order passed hereinabove, no effect can be given to the order dated 4th August, 2023.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)