

Item No.11

18.12.2023
Ct-24
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 21736 of 2023

Sri Nirmal Kanti Dey & Anr.

v.

The Howrah Municipal Corporation & Ors.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
Mr. Kaustav Bhattacharya
Ms. Srijani Chakraborty
... for the petitioners.

Mr. Sandipan Banerjee
Mr. Sobhan Majumdar
... for the HMC.

The petitioners submit that the complaint lodged against the unauthorised construction over holding no. 126, Danu Bose Lane under Howrah Municipal Corporation is yet to be considered.

Learned advocate representing the Corporation submits, upon instruction that, in response to the complaint lodged, proceeding was initiated to deal with the unauthorised construction and partial demolition has taken place.

The Corporation is directed to conclude the demolition strictly in terms of the demolition order that has been passed in respect of the subject premises.

The postal envelope addressed to the respondent no. 5 has returned unserved with the postal endorsement 'addressee left'. Affidavit of service is taken on record.

The petitioners contend that no opportunity of hearing was provided prior to passing the order of demolition and the petitioners have not been made aware of initiation of any proceeding to deal with the unauthorised construction.

The Corporation is directed to verify its record as to whether the demolition proceeding was concluded in accordance with law. If it appears that the proceeding to deal with the unauthorised construction has not been conducted properly and there is any procedural defect, then steps shall be taken to conclude the same in accordance with law.

Spot inspection may be conducted upon notice to all the necessary parties and reasonable opportunity of hearing be provided to all.

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.)