

Item No.13

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

26.09.2023
Ct-24

WPA 22545 of 2023
Sanjoy Dutta & Anr.

v.

The Howrah Municipal Corporation & Ors.

Mr. Srijib Chakraborty
Mr. Abhishek Mukherjee
... for the petitioners.

Mr. Shamim ul Bari
Mr. Indrani Nandi
... for the State.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Ms. Anesha Basu
Mr. Partha Sarathi Pal
... for HMC.

Learned advocate for the petitioners submits that the impugned order of demolition dated September 12, 2023 is contrary to the direction passed by the Court on May 2, 2022 in WPA 5551 of 2022.

Learned advocate representing the Howrah Municipal Corporation submits, upon instruction that, fresh opportunity of hearing will be granted to the petitioners.

In view of the aforesaid submission, the instant writ petition is disposed of by directing the Commissioner, Howrah Municipal Corporation or his delegate to cause a spot inspection upon prior notice to all the necessary parties.

The spot inspection report shall be forwarded to all the necessary parties.

The Commissioner, Howrah Municipal Corporation is directed to grant an opportunity of hearing to all the necessary parties and thereafter pass a final order in the matter.

It is made clear that though the spot inspection may be conducted by the delegatee of the Commissioner, but the hearing shall positively be conducted by the Commissioner of the Corporation in terms of the earlier order passed by the Court.

A reasoned order shall be passed and communicated to the parties. The entire exercise shall be conducted within a period of twelve weeks from the date of communication of this order.

The impugned order is, accordingly, set aside.

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.

Sh

(Amrita Sinha, J.)