

50. 16.11.2023
bd. Ct.15

WPA 24936 of 2018

Ambooj Sharma

-vs-

Howrah Municipal Corporation & Ors.

Mr. Sandipan Banerjee

Mr. Ankit Sureka

Mr. Sobhon Mjumder ... for the HMC.

Mr. Debjit Mukherjee

Mrs. Susmita Chatterjee

Mrs. Dipanwita Ganguly

Mr. Kaustav Bhattacharya

Ms. Sinjini Chakraborty

Ms. Priyanka Jana ... for the respondent no.4

The writ petition is taken up for consideration in presence of the learned advocates representing the Howrah Municipal Corporation and respondent no. 4. However, writ petitioner is not represented today.

During course of hearing Mr. Mukherjee, learned advocate representing respondent no. 4 has placed before this Court an order dated 13th September, 2023 passed by a coordinate Bench on a writ petition being WPA 22031 of 2023 (Rahul Pandey & Anr. -vs- Howrah Municipal Corporation & Ors.) and has submitted that the said writ petition relates to same premises having holding no. 9, Durga Das Kuthi Lane, under Ward No. 27 of Howrah Municipal Corporation.

On perusal of the said order dated 13th September, 2023 it appears a self-demolition notice

dated 31st August, 2023 was questioned in that writ petition and the coordinate Bench while directing to keep the said impugned self-demolition notice dated 31st August, 2023 in abeyance directed the Assistant Engineer (In-Charge), Howrah Municipal Corporation to hear the petitioner in that writ petition and all other necessary parties and to pass a reasoned order.

It has been submitted jointly by the learned advocates representing the respondent no.4 and Howrah Municipal Corporation that the said self-demolition notice dated 31st August, 2023 pertains to the identical premises, unauthorised construction made in the said premises is under challenge in the present writ petition.

In view of such submission made on behalf of the parties present before this Court and the order passed on 13th September, 2023 by the coordinate Bench the present writ petition stands disposed of thereby directing the concerned authority of Howrah Municipal Corporation also to grant opportunity of hearing to the petitioner in the present writ petition while deciding the fate of unauthorised construction, if hearing which is required to be conducted pursuant to the order dated 13th September, 2023 is not over.

However, there shall be no order as to costs.

Affidavit-in-opposition filed on behalf of Howrah Municipal Corporation is taken on record.

Copy of the order dated 13th September, 2023 is also taken on record.

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

(Saugata Bhattacharyya, J.)