

12.06.2023
Item No. 46
Court No. 24
AGM

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

WPA 26951 of 2022

**Sri Santosh Kumar Choudhary & Anr.
Vs
The Howrah Municipal Corporation & Ors.**

**Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
Ms. Dipanwita Ganguly
... For the Petitioners.**

**Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumdar ... For the HMC.**

The petitioners are aggrieved by the self demolition order dated 23rd November, 2022 issued by the Assistant Engineer, Borough-IV, HMC directing the petitioners to effect the demolition of the deviations made in the construction at 4, Hat Lane, Howrah, Ward No. 29.

Specific submission of the petitioners is that the aforesaid order of demolition has been passed without affording an opportunity of hearing. No inspection was conducted to ascertain the deviation made in the subject construction.

Learned advocate representing the HMC is yet to receive instruction in the matter.

It appears that by the impugned notice, the petitioners were directed to effect self-demolition of the deviated portion within a period of 30 days. The said time limit is long over. The petitioners have categorically submitted that the said notice

was issued without conducting any spot inspection and without affording an opportunity of hearing.

For ends of justice, the impugned order of self-demolition is kept abeyance for the timebeing.

The Commissioner, HMC or his delegate is directed to conduct spot inspection to ascertain the extent of deviation/unauthorised construction at the subject premises and thereafter afford an opportunity of hearing to the petitioners and take a reasoned decision in the matter.

The inspection and the subsequent hearing shall be concluded at the earliest but positively within a period of four months from the date of communication of this order.

A reasoned order shall be passed by the aforesaid respondent and communicated to the petitioners immediately thereafter.

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.)