

15.05.2024
Ct. No. 21
Sl. No. 51
tbsr

WPA 13763 of 2023

Mukesh Gupta

Vs.

The Howrah Municipal Corporation & Ors.

Mr. Tanmoy Mukherjee

Mr. Souvik Das

Mr. Rudranil Das

....for the petitioner

Mr. Sandipan Banerjee

Mr. Ankit Surekha

Mr. Sobhan Majumder

....for the Howrah Municipal Corporation

The writ petitioner is being represented and the Howrah Municipal Corporation is also being represented.

The learned counsel representing the Howrah Municipal Corporation submits that the show cause notice dated 18.04.2023 and the self-demolition notice dated 15.05.2023 are of much later date after the death of Nirmala Devi Agarwal who has expired on 06.11.2019.

The learned counsel representing the Howrah Municipal Corporation submits that in such circumstance the process is to be initiated *de novo* and in this regard the learned counsel places Section 177(1) of the Howrah Municipal Corporation Act, 1980.

As the earlier notice of showing cause and the self-demolition notice were issued against dead person which cannot be given effect to, as such Howrah Municipal Corporation is directed to take fresh step *de novo* in accordance with law upon the legal heirs of the said Nirmala Devi Agarwal and the present owners and occupiers.

As both the notices dated 18.04.2023 and 15.05.2023 have been issued against a dead person so these two notices have been infructuous and are set aside.

The instant writ petition being **WPA No. 13763 of 2023** is **disposed of**.

All parties to act in terms of a copy of the order downloaded from the official website of this Court.

(Supratim Bhattacharya, J.)