

Sl. No.12
06.02.2025
Suman
Ct. 15

WPA 697 of 2025

Smt. Kabita Dey and Ors.
Vs.
The State of West Bengal and Ors.

Mr. Sourov Mondal
Mr. Arijit Bhuiya
Mr. Rony Mondal
..for the petitioners

Mr. Sandipan Banerjee
Mr. Ankit Sureka
..for HMC

The petitioners assert that they are co-owners of a property situated at 79/2, Kashinath Chatterjee Lane, Ward No. 33, under the jurisdiction of the Howrah Municipal Corporation. The petitioners challenge demolition orders issued on December 6, 2024 and January 3, 2025, concerning the aforementioned premises.

The petitioners' grievance is that, in passing the demolition order, the Corporation failed to afford them an opportunity for a hearing. It is further submitted that the alleged unauthorised construction on the ground and first floors is minor in nature, and the unauthorised construction on the second floor was regularised in 2002. The petitioners contend that, in issuing the

impugned order, the Howrah Municipal Corporation did not take these factors into account.

It appears that by a letter dated August 21, 2002, the Corporation requested the predecessor-in-interest of the petitioners to deposit Rs. 5,460 to facilitate the consideration of the regularisation prayer for the alleged unauthorised construction. However, the Corporation has not provided this Court with any information regarding the steps taken following the said letter.

I am of the opinion that, since the prayer for regularisation of the unauthorised construction was under consideration by the Corporation, it was inappropriate for the Corporation to issue a demolition order for the alleged unauthorised construction without first considering the request for regularisation.

In view of the foregoing, I grant the petitioners the liberty to submit a fresh representation to the Corporation for the regularisation of the alleged unauthorised construction within two weeks from the date of this order. If such a representation is made, the Commissioner of the Corporation shall duly consider it within two months thereafter, providing the petitioners with an opportunity for a hearing.

It is unnecessary to emphasise that, pending the Commissioner's consideration of the regularisation request, the demolition order dated December 6, 2024 and January 3, 2025, shall not be enforced.

Accordingly, **WPA 697 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)