

01.12.2025
Ct. 3
Item No.
AD 5, 1253
Saswata

WPA 733 of 2024
Sk. Sanwar Ali
Versus
The Howrah Municipal Corporation & Ors.
With
WPA 1979 of 2025
Sk. Jakir Hossain
Versus
The Howrah Municipal Corporation & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das
Mr. Tapas Chatterjee

... For the petitioner in WPA 733 of 2024

Mr. Somnath Ghoshal
Mr. Satyajit Senapati

... For the respondent no. 5 in WPA 733 of 2024
and for the petitioner in WPA 1979 of 2025

Mr. Sandipan Banerjee
Mr. Ankit Sureka

...For the Howrah Municipal Corporation

1. The writ petition being WPA 733 of 2024 has been filed complaining of illegal and unauthorized construction at premises no. 19, Andul 1st bye-lane, Howrah B-Garden, Ward no. 41.
2. Records reveal that a demolition notice has been issued on 13th January 2025 by the Officer-on-Special Duty, Borough-VI, Howrah Municipal Corporation to take steps for carrying out the demolition at the locale on 24th January 2025.
3. The respondent no. 5 in the above writ petition has filed a separate writ petition which has been registered as WPA 1979 of 2025, inter alia,

praying for a direction upon the respondent authorities to consider and dispose of his representation dated 16th December 2024. Mr. Ghoshal, learned advocate appearing on behalf of the petitioner in WPA 1979 of 2025 would contend that an 'As-made' plan is pending consideration before the Municipal authorities. Without considering such request, the demolition order ought not to have been passed.

4. Mr. Mukherjee appears on behalf of the petitioner in WPA 733 of 2024. He, however, draws the attention of this Court to the third proviso of Section 177 of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the "said Act"). He would contend that the said proviso was inserted with effect from 21st September 2017 which deals with the authority of the Municipal Commissioner to consider regularization of illegal constructions. The same cannot constitute an authority authorizing the municipal authorities to decide regularization of illegally constructed structure which has been constructed prior to the above proviso being inserted.
5. Having heard the learned advocates appearing for the respective parties and noting that a representation is pending consideration, I am of

the view that the municipal authorities must decided on the same before proceeding further with the demolition process. The demolition order is for the present not interfered with, the same shall be subject to further orders as may be passed by the Municipality.

6. It is expected that a decision in this regard must be taken by the municipality by passing a reasoned order upon giving opportunity to all concerned including the respective parties, as expeditiously as possible preferably within a period of 16 weeks from the date of communication of this order.
7. The petitioner in WPA 1979 of 2025 shall be at liberty to file additional documents including plan, if any, for consideration of the Municipality.
8. With the above observation and direction both the writ petitions are disposed of.
9. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)