

27.03.2025
Sl. No. 98
Ct No. 3
SG

WPA 3960 of 2025

**Tapan Chatterjee & Anr.
Vs
The Howrah Municipal Corporation & Ors.**

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. Rudranil Das.
...for the petitioners

Mr. Sandipan Banerjee,
Mr. Ankit Surekha.
...for the HMC

Mr. Bhudev Bhattacharya, Sr. Adv.
Mr. A. Saha.
...for respondent no. 6

1. The Petitioners have preferred the present writ petition being aggrieved by the inaction on the part of the respondent-municipal corporation whereby they refused to grant him the necessary permission for demolition of his premises no. 197/2, Netaji Subhas Road, P.S. Bantra, Dist. Howrah.

2. It is the case of the petitioners that they are the absolute owners of the premises in question. Private respondents are in occupation of one part of the said premises and hence Title Suite No.1329 of 2024 was initiated by the petitioners for eviction of the private respondents and the same is still pending. Further due to disturbance caused by the private respondent in the peaceful enjoyment of the said property of the

petitioners, Title Suite No. 232 of 2020 was filed and the same is still pending between the parties. Since the property in question is in a dilapidated condition, the petitioners want to demolish the existing structure and reconstruct the same. The respondent-municipal corporation had held a hearing on 01.10.2024 but no decision was taken.

3. Learned Counsel for the respondent-municipal corporation fairly submits that another hearing can be granted to the petitioners as well as the private respondents wherein both the parties can ventilate their grievances and a decision can be taken after hearing both the parties within a period of four weeks from the date of communication of this order and a speaking order can be passed by the respondent-municipal corporation.

4. In view of the statement made by the learned counsel for the respondent, the respondent municipality is directed to pass a speaking order after affording an opportunity of personal hearing to the petitioner and private respondents. The said exercise shall be concluded within a period of 4 weeks.

5. Needless to state that the aggrieved party shall be at liberty to assail the same in accordance with law.

6. With the above direction, the present writ petition is disposed of.

7. There shall be no order as to costs.
8. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)