

17.06.2025

Sl. No.01

Ct. No.15

Suman

WPA 7271 of 2024

Smt. Kajal Haldar

Versus

Howrah Municipal Corporation and Ors.

Mr. Animesh Paul

Ms. Manisha Kumari

..for the petitioner

Mr. Sandipan Banerjee

Mr. Ankit Sureka

..for Howrah Municipal Corporation

Mr. Hemanta Kumar Das

Ms. Poushali Das

..for respondent no.4

The petitioner challenges a demolition order dated February 29, 2024, issued by the Assistant Engineer, Borough-VII, Howrah Municipal Corporation.

Learned counsel appearing on behalf of the petitioner submits that, although the petitioner was heard by one Assistant Engineer, the demolition order was ultimately issued by a different Assistant Engineer who had succeeded the former. It is contended that this procedure amounts to a violation of the principles of natural justice.

Upon consideration, I find merit in the submission. The demolition order ought to have been issued by the Assistant Engineer who initially heard the petitioner. Once that officer was transferred and replaced, it became

incumbent upon the successor to afford the petitioner a fresh opportunity of hearing before rendering a decision.

Learned counsel representing the Howrah Municipal Corporation, however, submits that the Corporation is willing to provide the petitioner with another opportunity to be heard.

In view of the foregoing, the writ petition is disposed of with the following directions:

a) The Assistant Engineer-in-Charge, Borough-VII, Howrah Municipal Corporation shall conduct a hearing on July 2, 2025, at 2:00 p.m. No further notice of hearing is required to be issued to the petitioner.

b) The relevant inspection report shall be furnished to learned counsel for the petitioner by learned counsel for the Howrah Municipal Corporation within seven days from the date of this order.

c) Upon hearing the petitioner, the Assistant Engineer-in-Charge shall pass a reasoned order in accordance with law and communicate the same to the petitioner.

d) This order is passed with the express consent of the petitioner, who has agreed to be heard by the Assistant Engineer-in-Charge, Howrah Municipal Corporation. Consequently, the petitioner shall not be

entitled to challenge the jurisdiction of the said officer in adjudicating the matter.

e) The demolition order dated February 29, 2024, is hereby set aside.

Accordingly, **WPA 7271 of 2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)