

06.05.2025
Sl. No.13
akd

W. P. A. 9906 of 2025

[M/s. Sakshi Ganga Realtors Pvt. Ltd. & Anr. -Vs- The Howrah Municipal Corporation & Ors.]

Mr. Subhabrata Datta
Mr. Debashis Sarkar
... .. for the petitioners

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

1. Petitioners have filed the present writ petition seeking implementation of the order dated 18.03.2025 passed in WPA 2913 of 2025.
2. It is the case of the petitioner that a demolition notice being Memo No. 1754/AE/Bldg/24-25, dated 21.11.2024 issued by the Assistant Engineer, Building Department, Howrah Municipal Corporation, for demolition of the unauthorized construction at premises no. ½, Sreemani Bagan Lane, Ward 15, Golabari, Howrah. Aggrieved by the same, the petitioner instituted a writ petition being WPA 2913 of 2025. The aforesaid writ petition was taken up for hearing on 18.03.2025, wherein this Court was pleased to dispose of the writ petition with a direction upon the Howrah Municipal Corporation to provide the petitioner and all other concerned parties an opportunity of hearing and thereafter pass an order in accordance with law.
3. The petitioners submit that despite the aforesaid direction, they received a communication dated 19.04.2025 from the Officer-in-charge, Golabari Police Station, Howrah, informing them the demolition squad has scheduled the demolition action of their premises on 30.04.2025 and that they were required to

vacate the premises, thereby bypassing the due process mandated by this Court.

4. Learned Advocate for the petitioners submits that the respondent-HMC have acted in haste and in violation of the principles of natural justice, as no hearing was afforded prior to the proposed demolition action.

5. Learned Advocate for the respondent-Howrah Municipal Corporation submits that the corporation shall afford an opportunity of hearing to the petitioners in terms of the order dated 18.03.2025 on 08.05.2025 at 12 noon in the chamber of the concerned Assistant Engineer-in-charge (Building Dept.), Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah.

6. The petitioners undertake to appear on the scheduled date and time without requiring a separate notice of hearing. The present order shall serve as sufficient notice to them. The petitioners shall also be at liberty to produce all relevant documents and representations in support of their case during such hearing.

7. Respondent-HMC is directed to conclude the hearing and pass a speaking order in accordance with law within a period of two weeks thereafter. It is further directed that no coercive or demolition action shall be taken in respect of the subject premises until the petitioners are granted opportunity of hearing and final speaking order passed by the respondent-HMC.

8. It is made clear that the petitioners shall cooperate at the time of hearing and shall not seek any unnecessary adjournment. Furthermore, the petitioners shall not create any third party interest in the said premises in question until the final

decision is taken by the respondent authority by way of a speaking order.

9. With the aforesaid directions, the present writ petition is disposed of.

10. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

11. There shall be no order as to costs.

12. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)