

67  
14-05-2025  
AKG  
Ct. 15

**WPA 10766 of 2025**  
**Shahzadi Begum & Ors.**  
**Vs.**  
**Howrah Municipal Corporation & Ors.**

Mr. Sounak Bhattacharyya,  
Mr. Bijoy Bag,  
Mr. Sounak Mondal

...for the Petitioner

Mr. Santanu Chatterjee

...for HMC

Mr. Sumitava Chakraborty,  
Ms. Bratati Pramanick

...for Respondent No. 8

It is not in dispute that the original demolition order dated July 20, 2000, concerning the premises in question, was issued by the Chief Architect of the Howrah Municipal Corporation.

In compliance with the said order, a substantial portion of the premises has already been demolished.

The petitioners, however, claim to be the current occupiers of a part of the building. Their grievance is that, despite their occupancy, the Corporation has issued a demolition notice dated May 8, 2025, through the Officer on Special Duty (OSD), Building Department (Demolition), Howrah Municipal Corporation, scheduling the demolition of the remaining structure between May 15, 2025, and May 31, 2025.

Explanation II to Section 177 of the Howrah Municipal

Corporation Act, 1980, mandates that an opportunity of hearing be afforded to the occupiers of a building prior to the issuance of any demolition order. Furthermore, the Corporation has not been able to substantiate the legal authority of the Chief Architect to pass the demolition order dated July 20, 2000.

It is also not disputed by either party that the present proceedings are based on the demolition order dated July 20, 2000.

In view of this admitted position, and irrespective of the petitioners' challenge to the said order, I am of the considered opinion that the demolition order dated July 20, 2000, is liable to be set aside for want of jurisdiction.

Accordingly, the demolition order dated July 20, 2000, passed by the Chief Architect of the Howrah Municipal Corporation is hereby set aside. Consequently, the communication dated May 8, 2025, issued by the O.S.D, Building Department (Demolition), Howrah Municipal Corporation is also set-aside.

However, the Corporation shall be at liberty to initiate fresh proceedings under Section 177 of the Howrah Municipal Corporation Act, 1980, with respect to the remaining portion of the building, after affording an opportunity of hearing to the present occupiers and other

interested parties, in accordance with law.

Accordingly, **WPA 10766 of 2025** 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.)**