

20.06.2025
SI No.4
Ct. No.15
S.A.

WPA 13344 of 2025

Akhileswar Ray
-vs-
The Howrah Municipal Corporation & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das
Mr. Soumava Santra
Ms. Priyanka Sen
...for the petitioner
Mr. Sandipan Banerjee
Mr. Ankit Sureka
...for HMC
Mr. Anuj Chakraborti
...for respondent nos.8 & 9

The petitioner claims to be one of the tenants of the premises in question. The original building was demolished, and a new structure was subsequently reconstructed. In the reconstructed building, the petitioner was granted possession of a unit on the 6th floor.

It further appears that, in compliance with the order dated July 3, 2023, passed in WPA 6478 of 2023 (Dipak Kumar Gupta vs. The Howrah Municipal Corporation & Ors.), a demolition order was issued by the Howrah Municipal Corporation on September 30, 2024. The operative portion of the said order is reproduced below:

“That the Respondents have constructed additional 3 floors over sanction G+4 storied building vide BRC No.66/19-20 dated-20/06/19 and the sanction is valid up to 05-09-2024 but unauthorized

constructions have been made on 5th, 6th and 7th floor by violating HMC Act 1980 and KMC Building Rules 2009 as extended to Howrah as it appears from inspection report. The respondents are directed to cause self demolition of the deviated and also unauthorized/illegal constructions within 15 days from the date of receipt of this order and in default HMC will take legal action in accordance with law.”

The petitioner submits before this Court that the demolition order was passed by the Corporation without affording him an opportunity of hearing, in violation of Section 177(1) of the Howrah Municipal Corporation Act, 1980.

In my view, since the petitioner is an occupier of the premises in question, he ought to have been granted an opportunity of hearing prior to the issuance of the demolition order by the Howrah Municipal Corporation. It is admitted that no such hearing was given to the petitioner.

In light of the above, liberty is granted to the petitioner to submit a representation before the Howrah Municipal Corporation within a period of two weeks from the date of this order, seeking redressal of his grievance.

The Howrah Municipal Corporation shall afford an opportunity of hearing to all concerned parties and shall pass a reasoned order. The entire exercise shall

be concluded within a period of three months from the date of this order.

Until a fresh reasoned order is passed by the Howrah Municipal Corporation and duly communicated to all concerned, the impugned demolition order dated September 30, 2024, shall remain in abeyance and shall not be given effect.

Accordingly, **WPA 13344 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)