

25.07.2025

Sl. No. **76**

Ct. No.15

Suman

WPA 16767 of 2025

Angesh Prasad

Vs.

The State of West Bengal and Ors.

Mr. Soumyajit Bhatta

Mr. Partha Ghosh

..for the petitioner

Mr. Sanjib Seth

..for private respondent no.9.

Mr. Sandipan Banerjee

Mr. Ankit Sureka

..for Howrah Municipal Corporation

The petitioner challenges a demolition notice dated July 22, 2025, issued by Howrah Police Station, which informs of a scheduled demolition between July 25, 2025, and July 31, 2025.

The petitioner's counsel has drawn the attention of this Court to a status quo order issued by the Civil Judge (Junior Division), 3rd Court, Howrah, arguing that the scheduled demolition by the Corporation is in violation of the said order.

In response, the counsel for Respondent No. 9 contends that the status quo order does not apply to the relevant property and refers to the schedule attached to the plaint to support this assertion.

Counsel for the Corporation submits that, having approached the Civil Court, the petitioner should have filed an application before that Court seeking appropriate relief.

It appears that the petitioner, through a Title Suit, has challenged a demolition notice issued by Howrah Municipal Corporation on April 2, 2025.

Therefore, I am of the view that the status quo order indeed applies to the demolition proceedings concerning the relevant building. The parties to the suit cannot simply disregard an order issued by the Civil Court without invoking the appropriate legal recourse.

I concur with the counsel for the Corporation in asserting that, having approached the Civil Court to challenge the demolition proceedings, the petitioner should have filed the appropriate application before that Court to seek the desired relief.

Nevertheless, considering that the petitioner received notice of the demolition on July 22, 2025, with the scheduled date of demolition commencing July 25, 2025, I am of the view that a limited protection should be granted to the petitioner in this writ petition.

Accordingly, this writ petition is disposed of with a direction granting liberty upon the petitioner to file an appropriate application before the competent Civil Court within two weeks from the date of this order.

The Corporation is restrained from proceeding with the demolition of the relevant building for a period of three weeks from the date of this order.

The Civil Court shall decide the application, if any, filed by the petitioner without being influenced by this order.

It is also clarified that the parties retain the right to challenge the jurisdiction of the learned Civil Judge to intervene in the demolition proceedings initiated by the Corporation in accordance with the law.

Accordingly, **WPA 16767 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.)