

23 04-03-2025
AKG
Ct. 15

WPA 28474 of 2024
Madan Kanu
Vs.
The Howrah Municipal Corporation & Ors.

Mr. Surajit Basu,
Mr. Dev Kumar Sharma,
Ms., Jasika Alam

...for Respondent No. 6

Mr. Sandipan Banerjee,
Mr. Ankit Sureka

...for HMC

The petitioner is absent when the matter is called for hearing. The order dated November 28, 2024, passed in this writ petition outlines the facts involved in the case. The order is quoted below:

“It appears that, in compliance with the order dated March 5, 2024, passed in MAT 2495 of 2023, the first floor of the relevant building was demolished on June 21, 2024. The petitioner resides on the ground floor with his family.

Mr. Nilanjan Bhattacharjee, learned advocate appearing for the petitioner, submits that after a gap of approximately six months, the Corporation has scheduled the demolition of the ground floor for today, November 28, 2024. He argues that, given the six-month delay, the Corporation should not have attempted to demolish the ground floor without providing due notice to the petitioner.

I am of the view that the Corporation should have notified the petitioner regarding the planned demolition scheduled for today (November 28, 2024). The ground floor, where the petitioner resides with his family, should not have been demolished without prior notice.

In light of the foregoing, the Corporation is directed not to proceed with any further demolition work concerning the relevant building for a period of three weeks from the date of this order.

This matter is to be listed on December 2, 2024, under the heading "To Be Mentioned," when the Corporation shall file its report in response to the

allegations raised in this writ petition.”

In view of the above, I am not inclined to keep this writ petition pending. Accordingly, I direct the Corporation to issue a notice to the petitioner and provide him with an opportunity for a hearing before proceeding further with the demolition work of the relevant building.

After hearing the petitioner, the Corporation shall decide whether to continue with the demolition work or to regularise the remaining part of the building in accordance with the law.

This exercise should be completed within three months from the date of this order. Until such a decision is made, the Corporation shall not implement the demolition order.

Accordingly, **WPA 28474 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.)