

09.02.2026
sayandeep
Sl. No. 09
Ct. No. 03

WPA 28031 of 2025
Haradhan Sadhukhan
Vs.
HMC & ors.

with

WPA 1998 of 2026
Smt. Jyosna Sadhukhan
Vs.
HMC & ors.

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana

.....for the petitioner in
WPA 28031 of 2025
and for the respondent
in WPA 1998 of 2026

Ms. Sabnam Majumder
Ms. Kalpita Paul

..... for the petitioner
in WPA 1998 of 2026

Mr. Sandipan Banerjee
Mr. Ankit Sureka

..... for the HMC

1. The affidavit-of-service filed in Court today is taken on record.
2. Since both the writ petitions pertain to unauthorized construction at holding No. 750 Sarat Chatterjee Road, Police Station- Chatterjeehat, Howrah, by consent of the parties, the matters are analogously heard.
3. The first writ petition being WPA 28031 of 2025 has been filed inter alia, seeking immediate steps against the respondent No. 5 and also praying for a direction so that the unauthorized construction that has come up at the instance of the private

respondent No. 5 at holding No. 750 Sarat Chatterjee Road P.O. Santragachi, P.S.- Chatterjeehut, District-Howrah, ward No. 44 be demolished. According to the petitioner, complaint has already been lodged by the petitioner. According to Mr. Mukherjee, learned advocate appearing for the petitioner though the municipal authorities had issued notice pursuant to the complaint lodged by the petitioner and hearing has taken place, no demolition order was passed or communicated to the petitioner. In fact, the petitioner is also not aware of the outcome of the proceeding.

4. The second writ petition being WPA 1998 of 2026 has been filed challenging a self-demolition order dated 20th January, 2026. This writ petition has been filed by the mother of the private respondent No. 5 in the first writ petition and concerns the self-same premises. According to the petitioner, in the second writ petition, the order of demolition was passed without hearing the petitioner. The order is also vague and does not identify the portion which has been directed to be demolished.
5. Mr. Banerjee, learned advocate appears for the municipality and would submit that in the instant case, the construction is a G+1 storied building. According to him, though the building has duly being sanctioned by the municipal authorities,

however, while carrying out certain repair work, additional construction had been made which resulted in the order dated 20th January, 2026.

6. Having heard the learned advocates appearing for the respective parties, I find that in the instant case, though an order has been passed by the municipal authorities on 20th January, 2026 directing self-demolition of unauthorizedly constructed portion, the order as annexed in the writ petition does not identify the exact portion which is required to be demolished. In the light of the above, I find that the order which is vague cannot be implemented and accordingly while setting aside the above order, I remand the matter back to the municipal authorities for them to take a fresh decision in the matter upon carrying out a fresh inspection and upon providing opportunity of hearing to the interested parties in accordance with law. It is made clear that the decision in this regard must be taken by the municipality so as to bring the proceeding to a logical conclusion within a period of 8 weeks from the date communication of this order.
7. Since no affidavit-in-opposition has been called for, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

8. With the above observations and directions, both the matters are disposed of.

(Raja Basu Chowdhury, J.)