

16.04.2026
Item no. 28
Court no. 30
g.b.
266012

WPA 3921 of 2026

Avijit Pal
Vs.
The Howrah Municipal Corporation & Ors.

Mr. Arindam Banerjee, Sr. Advocate
Ms. Ahana Celine Rough
... For the Petitioner

Mr. Sandipan Banerjee
Mr. Ankit Sureka
....For the Howrah Municipal Corporation

1. The writ application has been preferred apprehending demolition of the premises which is prima facie in possession of the petitioner herein.
2. It appears from the documents on record that the process of demolition was initiated in the year 2023.
3. It is submitted by Mr. Banerjee, learned senior counsel appearing for the petitioner that the petitioner herein was not given a hearing though he is in possession of the 6th floor of the disputed building.
4. Two judgements have been relied upon by the learned counsel for the petitioner (i) **Bijay Biswakarma Vs. Rajkumari Devi Singh & Ors.**

(Supreme Court) reported in **2024 SCC OnLine SC 2918** and (ii) **Bijay Biswakarma Vs. Rajkumari Devi Singh & Ors** in **MAT 2279 of 2023 (Division Bench of this High Court)**.

5. Learned counsel appearing for the Howrah Municipal Corporation submits that it is correct that demolition process is to be undertaken within a day or two and the apprehension of the petitioner herein is well-founded.
6. Considering the urgency as made out, the Howrah Municipal Corporation is restrained by an interim order from carrying out the demolition in the premises for a period of 60 days from the date of this order.
7. And in this interim period of sixty days, the Municipal Corporation shall serve a notice upon the petitioner herein and provide a hearing in presence of all stake holders.
8. Relying upon the judgement of the Supreme Court in Bijay Biswakarma (supra), this Court directs that if the petitioner prays for regularization, the same may be considered in accordance with the provisions of the Act and if the authority finds that the regularization cannot be permitted, the interim order herein shall stand vacated and the authority shall be at liberty to proceed with the demolition in accordance with law.

9. The total process of hearing be completed within 60 days as directed.
10. WPA 3921 of 2026 stands **disposed of**.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all necessary formalities.

(**Shampa Dutt (Paul), J.**)