

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4279 of 2024

Bhaskar Sett & Ors.
Versus
The State of West Bengal & Ors.

Mr. Swasata Gopal Mukherjee, Sr. Advocate,
Mr. Sujay Bandyopadhyay
Mr. Sabyasachi Mukherjee
Mr. Dipankar Dandapath
Mr. Mukesh Gupta
Mr. Tusher Singha Mahapatra
Mr. Debasish Kundu
Mr. Purnasish Bhunia
Mr. Subhamoy Gupta
... For the petitioners.

Mr. Pinaki Dhole
Ms. Ananya Neogi
... For the State.

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

Mr. Sarbananda Sanyal
Mr. Samrat Chakraborty
... For the respondent nos. 8 to 10

1. On 30th January, 2026, this Court considering the case made out by the petitioners was, inter alia, pleased to pass the following order;-

“The present writ petition has been filed, inter alia, praying for a direction upon the municipal authorities to ensure that the development work that is being carried out at premises no. 33/1 Kaibarta Para Lane, P.O.-Salkia, P.S.-Malipanchghora, Ward no. 6, Howrah Municipal Corporation, District – Howrah, Pin – 711106 (hereinafter referred to as the “said premises”), in effect, be halted.

Mr. Mukherjee, learned Senior advocate appearing for the petitioners submits that the petitioners’ neighbor is

carrying out construction at the adjacent property. He submits that the residential premises of the petitioners is a 90 year old building and by the aforesaid development work which does not have the sanction of the municipal authority is endangering the petitioners' property.

Mr. Banerjee, learned advocate appearing for the Howrah Municipal Corporation submits that no sanction has been issued in respect of the aforesaid premises in question. The municipality has also not authorized any demolition work which is currently going at the aforesaid premises. He also submits that having regard to the complaint made by the petitioners and having ascertained the state of affairs prevailing, stop work notice, and appropriate instruction has been issued by the municipality to the Mali Panchghora Police Station to stop further demolition work at the locale.

Mr. Sanyal, learned advocate appearing for the private respondent nos. 3 and 4 submits that he requires some time to take instruction as such prays for an accommodation.

*Having heard the learned advocates appearing for the respective parties and noting from the submissions made on behalf of the municipality that there is no sanctioned building plan issued for development of the said premises, and no permission has also been accorded by the Municipality to demolish the said premises and the Municipality having instructed the Mali Panchghora Police Station to take immediate steps to stop the demolition work, I am of the view that the matter should stand over and appear under the same heading on **4th February 2026**.*

In the meantime, no further demolition work shall be continued at the locale which has already caused substantial damage to the petitioners as would corroborate from the photographs which have been placed before this Court and taken on record. The respondent no.7 shall ensure compliance of this order”.

2. Today, Mr. Banerjee, learned advocate representing the municipal corporation, on instruction, would submit that as of today no permission has been accorded by the corporation and as such, the demolition proceedings could not have been initiated at the first instance nor the same could go on.

3. Mr. Sanyal, learned advocate representing the respondent nos. 8 to 10 would submit that the private respondents were not interested in causing any damage to the petitioners' property, however, the respondents are entitled to develop their portions of the property. According to him, the private respondents are interested in developing the property by retaining the existing load bearing common wall of the property which segregates the property of the petitioners from the private respondents.

4. Having heard the learned advocates appearing for the respective parties and noting that as of today there is no permission from the municipal corporation authorizing any demolition work in the property of the respondent nos. 8 to 10, I am of the view that the private respondents cannot continue with the demolition work any further at this stage. This order shall, however, not interfere with the rights of the private respondent nos. 8 to 10 to make an appropriate application before the municipal authorities seeking permission to demolish their portion without interfering with the existing load bearing common wall which segregates the property of the petitioners with that of private respondent nos. 8 to 10 in accordance with law.

5. With the above observations and directions, the writ petition stands disposed of accordingly.

Urgent Photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)