

19.02.2026
Ct. 3
A 68 & 246
Saswata

WPA 5106 of 2025
Renuka Sasmal @ Renuka Sasmal Maji
Versus
The State of West Bengal & Ors.
with
WPA 8783 of 2025
Ajit Kumar Kar
Versus
Howrah Municipal Corporation & Ors.

Mr. Bhagbat Chaudhuri
...For the petitioner in WPA 5106 of 2025
& for the private respondent
in WPA 8783 of 2025

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana
...For the private respondent in WPA 5106 of 2025
and for the petitioner
in WPA 8783 of 2025

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

Mr. Arup Kr. Mondal
...For the State in WPA 5106 of 2025

1. Alleging illegal construction at holding no. 25, Dakshinayan, Dakshin Baksara, Santragachi, Howrah 711109 at the behest of the respondent no. 7 the writ petition being WPA no. 5106 of 2025 (hereinafter referred to as the first writ petition) has been filed.

2. In the instant case, the petitioner complains that despite making representation before the municipality, the municipality had failed to take any steps which prompted the petitioner to proceed before this Court.

3. The Writ petition being WPA 8783 of 2025 (hereinafter referred to as the second writ petition) has been filed by the private respondent in the first writ petition challenging the order directing demolition of illegal and unauthorized construction

of the premises in question. According to the learned advocate for the petitioner in the second writ petition, the construction that has come up was on the basis of a sanctioned building plan duly sanctioned by the municipality. Notwithstanding the above, the aforesaid notice directing self demolition has been issued. A supplementary affidavit has also been placed before this Court which is taken on record.

4. The supplementary affidavit would demonstrate that during pendency of the second writ petition a further reminder notice has been issued by the municipality calling upon the petitioner to demolish the unauthorized construction at the above premises. The petitioner's advocate in the second writ petition submits that the order impugned does not demonstrate the extent of deviation and as such, the impugned order is vague and is unenforceable.

5. Mr. Banerjee, learned advocate appearing for the Municipality submits that no final adjudication order has yet been passed, though only on the basis of the complaint, the person responsible was directed to demolish the unauthorized construction.

6. Having heard the learned advocates appearing for the respective parties and since the municipality has already initiated a proceeding under Section 177(1) of the Howrah Municipal Corporation Act, 1980 and though the above order appears to be vague and without any deviation statement, I am of the view that the municipality must decide on the

above cause by giving opportunity of hearing to the parties and the decision must be taken as expeditiously as possible preferably within a period of 8 weeks from the date of communication of this order. In the event the municipality decides to direct demolition, the order must indicate the deviated portion and the demolition sketch plan identifying the portion to be demolished in the plan in hatch mark.

7. The proceeding must be preceded by an inspection and the report thereof must be circulated to the parties with an opportunity to the parties to make representation in respect thereof.

8. With the above directions both the writ petitions are disposed of.

9. As a consequence thereof, the purported order of demolition dated 13th September 2024 issued by the Municipality stands set aside with liberty to proceed in the manner directed above.

10. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)