

23.06.2026
Sl. No. 8-9
Ct No. 3
tkm

WPA 11470 of 2026
Nemai Roy & Anr.
Vs
State of West Bengal & Ors.
with
WPA 9366 of 2026
Ms. Anamica Chakraborty
Vs
State of West Bengal & Ors.

Mr. Abhijit Chakraborty
Mr. Uma Mukherjee
Mr. Sougata Choudhury
... for the petitioner in WPA 9366/26
& private respondent in WPA 11470/26

Mr. Mrityunjoy Chatterjee
Mr. Manas Das
Ms. S Chakraborty
Mr. Arka Roy
Mr. D Adikary
... for the petitioner in WPA 11470/26
respondent nos. 4 & 5 in WPA 9366/26

Mr. Sukanta Ghosh
Mr. Arghya Chatterjee
...for the State

Mr. Ankit Sureka
...for the HMC in WPA 9366/26

1. Affidavit of service filed in both the matters are taken on record.
2. Challenging the demolition order dated 4th December 2025 the writ petition being WPA 11470 of 2026 has been filed.
3. Learned advocate representing the respondent no. 5 submits that the respondent no. 5 has filed a writ petition which has been registered as WPA 9366 of 2026 for implementation of the demolition order.

Accordingly both the matters are taken up for consideration together. Learned advocate for the petitioner in WPA 11470 of 2026 by drawing attention of this court to the order dated 4th December 2025 would submit that the same is vague as the same does not identify the extent of the illegal construction.

4. Howrah Municipal Corporation is represented.

5. Having heard the learned advocates for the parties and since it is noted that though the demolition order has been passed on 4th December 2025 however, since, the demolition order does not identify the extent of unauthorized construction and only notes that there is unauthorized construction of masonry building at Dharmatala, P.S-Santragachi, Near Kanai Lal Bhattacharya College, and directed demolition of the unauthorizedly constructed portion without identifying such portion, I am of the opinion that the above order is vague and cannot be implemented as extent and particulars of the unauthorised construction has not been identified in the order.

6. This order shall however not impinge upon the right of the municipality to initiate appropriate action under the provisions of section 177 of the Howrah Municipal Corporation Act, 1980 and to conclude the same in accordance with law upon hearing the petitioner and also private respondent no. 5.

7. Going by the materials on record I find that the municipality has already initiated proceedings though the final outcome thereof could not be sustained by terms of vagueness of the order. Since, the municipality has already proceed earlier, the municipality shall issue appropriate notice on the parties and conclude such proceedings by granting opportunity of hearing and by passing a reasoned order in accordance with law. Consequentially, the order dated 4th December 2025 stands set aside.

8. In light of the above directions, both writ petitions stand disposed of.

(Raja Basu Chowdhury, J.)