

29.06.2026
SL- 15
AMR
Ct.No. 03

WPA 11540 of 2026

Sri Kundan Kumar Panjekar & Anr.

-VS.-

The State of West Bengal & Ors.

Mr. Shah Md. Umer Edne Saddhique
Ms. Maria Sharwari
Ms. Swarnali Ghosh

...for the Petitioners

Ms. Soumashree Dutta

...For the Respondent no. 8

Mr. D. N. Ray, Ld. GP
Mr. Sukanta Ghosh
Mr. Arghya Chatterjee

...For the State

1. Since it has been submitted by the learned advocate for the respondent no. 8 by placing before this Court a copy of a death certificate that the respondent no. 7 has already died on 30th September, 2023 much prior to the filing of the writ petition, let the name of the respondent no. 7 be struck out from the array of parties in the writ petition. Department is directed to carry out the aforesaid direction. Let the copy of the death certificate be retained with the record.

2. The matter pertains to illegal construction being carried out at Holding no. 42/3, Umesh Banerjee Lane,

P.O.- Khurut Shibpur, District- Howrah in Ward No. 26, Borough No. 3 of Howrah Municipal Corporation allegedly by the respondent nos. 7 & 8. As such cause of action against the respondent no. 8 survives through proceeding against the respondent no. 7 is a non starter as on the date when the writ petition was filed, he was already dead and as such could not have been impleaded as a party respondent.

3. Learned advocate for the petitioners submits that subsequent to filing of the writ petition and on the basis of a complaint made by the petitioners on 5th March, 2026, the municipality had invited the petitioners for a joint hearing, although, the petitioners had appeared before the Assistant Engineer, Borough-IV, Howrah Municipal Corporation, the outcome of such proceeding has not been communicated to the petitioners.

4. Having heard learned advocates appearing for the respective parties and though the municipality is not present in Court, I am of the view considering the fact that the municipality had already acted on the basis of the petitioners' complaint and invited the petitioners for a joint hearing, in my view it would be prudent at this stage to direct the municipality to conclude the said proceeding unless, the same has not already been

completed, by passing a reasoned order in accordance with law. If the proceeding has already been completed the outcome thereof shall be communicated to the parties.

5. With the above observation, the writ petition stands **disposed of**.

6. It is made clear that this Court has not entered into the merits of the cause.

7. The allegations made in the petition are deemed not to have been admitted by the respondents as no affidavit has been called for.

8. It is expected that the decision in this regard shall be communicated to the petitioners on an expeditious basis, preferably within a period of four weeks from the date of communication of this order.

9. The aforesaid order has been passed on the basis of specific undertaking given by the petitioners' advocate that the affidavit of service shall be filed in course of the day.

10. All parties are act on the basis of a copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J.)