

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11698 of 2026

Subhadip Sadhukhan
Versus
The Howrah Municipal Corporation & Ors.

Mr. Souri Ghosal
Mr. Subhajit Mukherjee
... For the petitioner.

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

1. Affidavit of service filed in Court is taken on record.
2. Complaining illegal construction at the behest of the respondent nos.4 to 7 and failure on the part of the municipal authorities to take steps, the instant writ petition has been filed.
3. The matter has a chequered history. The petitioner's father has previously approached this Court in a writ petition being WPA 10328 of 2021, complaining illegal construction at holding no. 53, Tripura Roy Lane, ward no.11, under Howrah Municipal Corporation. Although, such writ petition was disposed of by an order dated 22nd September, 2021 by noting that the Howrah Municipal Corporation has already taken steps in the matter, however, the petitioner would complain that the municipal authorities have done very little thereafter. Though it was submitted on behalf of the municipality

before the Hon'ble Court that a proceeding under Section 177(1) of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the "said Act") had been initiated and a self-demolition order has been passed, the municipal authorities did not take any further steps to enforce such order by finally concluding such proceedings. According to the petitioner only a hearing took place on 21st December, 2022 and subsequent thereto, no further communication was made.

4. Mr. Sureka, learned advocate appears on behalf of the municipality. He would submit that he is yet to receive instructions in this matter.

5. Having heard the learned advocates appearing for the respective parties and noting that previously this Court had passed an order disposing the writ petition by noting that the municipal authorities has already taken steps, I am of the view that the municipal authorities must finally conclude such proceedings, if the same have not already been concluded by giving an opportunity of hearing to the petitioner and by passing a reasoned order. The order must be communicated to the petitioner.

6. Since the petitioner has complained that additional illegal construction is being carried out by the respondent nos. 4 to 7, I am of the view that the municipal authorities must carry out a further inspection at the locale and decide on the same by passing a reasoned order and if necessary, by initiating a proceeding under Section 177 of the said Act. It is made

clear that the municipal authorities must complete the entire process as directed within a period of sixteen weeks from the date of communication of this order. The aforesaid direction is peremptory.

7. With the above observations and directions, the writ petition is disposed of.

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.)