

10.03.2026  
Ct. 3  
Item No.  
AD 2  
Saswata

**WPA 27640 of 2024**

**Pradip Panja  
Versus  
The State of West Bengal & Ors.**

|                            |                                  |
|----------------------------|----------------------------------|
| Mr. Partha Pratim Roy      |                                  |
| Mr. Biswajit Manna         |                                  |
| Mr. Sarbananda Sanyal      | ...For the petitioner            |
| Mr. Anand Farmania         |                                  |
| Mr. Bhaskar Chakraborty    | ...For the State                 |
| Mr. Anirban Basu, Sr. Adv. |                                  |
| Mr. C. Biswas              |                                  |
| Mr. Satyajit Senapati      | ...For the respondent nos. 2 & 3 |
| Mr. Sandipan Banerjee      |                                  |
| Mr. Ankit Sureka           | ...For the HMC                   |

1. The writ petition being WPA 27640 of 2024 has been filed by one Pradip Panja, inter alia, praying for implementation of the order dated 10<sup>th</sup> October 2023 passed by the Howrah Municipal Corporation (HMC) for demolition of unauthorized construction at Balitikuri Kalitala, P.S. Dasnagar, Howrah.

2. When the matter was taken up consideration on 9<sup>th</sup> February 2026, Mr. Banerjee learned advocate appearing for the municipality had submitted that the demolition order has been partly executed, however, the entire demolition could not be completed since the private respondent nos. 8 & 9, Buddhadeb Mal and

Moumita Mal are running a factory from the aforesaid premises.

3. Having regard to such submission, I directed the municipality to produce the entire records of the demolition case before this Court when the matter shall be taken up next. Accordingly, the records have been produced.

4. From the records, it would transpire that in connection with the aforesaid proceeding, a hearing was given to both Buddhadeb Mal and Moumita Mal. In Course of such hearing it was submitted by the person responsible that there exists a structure of tin shed and partly asbestos shed at the old existing boundary wall. The age of the existing wall is about 50 to 60 years old and that no new construction has been carried out. In course of such hearing it was also admitted that the factory shed was without permission from the HMC.

5. Following the above, a demolition order has been passed. Mr. Basu learned senior advocate appearing for the respondent nos. 2 and 3 submits that in pursuance to the aforesaid order, the entire unauthorized construction has been demolished and nothing remains to be further demolished by the municipality. In support of his aforesaid contention, he has placed before this Court a communication dated 26<sup>th</sup> June 2024 and would like to highlight that

the municipality has by such communication already confirmed that the entire portion has been demolished. According to him, respondents have appropriate permission from the municipality to carry on its business. However, by reason of the report filed by the municipality dated 7<sup>th</sup> March 2024 today in Court which is taken on record, it would transpire that in terms of the order passed by the Commissioner of HMC dated 25<sup>th</sup> April 2024, a demolition programme was taken on 3<sup>rd</sup> May 2024 and the demolition squad had demolished the front portion of the Karkhana shed covering an area of 486.66 sq. ft with the help of local police. Rest of the construction is yet to be demolished, which shall be taken up shortly. Having regard to the same when the municipality has come forward and asserts that the demolition is yet to be completed, the above communication, in my view, cannot assist the petitioner. In fact, subsequent to the letter dated 26<sup>th</sup> June, 2024, the petitioner was once again notified vide letter dated 20<sup>th</sup> December, 2025 and following the same the report has been filed.

6. According to such report, the same would be demolished soon.

7. Insofar as the right of the respondent nos. 2 and 3 to carry on business is concerned, if they have requisite permission for the same, there can be no impediment to carry on such business.

8. Having regard to the above disclosure made by the municipality, nothing survives in the writ petition.

9. The Municipality is directed to implement the aforesaid order of demolition in accordance with law unless there being any impediment for implementing the same.

10. The records as placed before this Court are returned to Mr. Banerjee learned advocate for the municipality.

11. With the above observation and direction, the writ petition is disposed of.

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

**(Raja Basu Chowdhury, J.)**