

16.02.2026
Court No.13
Item No.7
pk

MAT 2138 of 2025
CAN 1 of 2025

Dinesh Kumar Shaw
Vs.
Anil Kumar Prasad and others

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. Ratikanta Pal

..for the appellant.

Mr. Rishav Singh,
Mr. S. Dutta.

...for the respondent no. 1.

Mr. Prasaenjit Burman,
Mr. Swapnesh Mallik

... for the respondent no. 7.

1. The writ petitioner is aggrieved by the order dated 04.11.2025 passed by the Single Bench of this Court. The writ petition was filed by the private respondent/landlord, who has alleged deviations in the construction effected by the appellant/promoter. The deviations have been listed by the Howrah Municipal Corporation (HMC) in an order dated 19th September, 2025.
2. Mr. Bikash Ranjan Bhattacharya, learned senior advocate appearing for the appellant/promoter would argue that his client has filed WPA No. 28453 of 2025, inter alia, challenging the order of the HMC dated 19th September, 2025.
3. The appellant having filed an independent writ petition challenging the action of the HMC is entitled to have

his grievances heard before the order of demolition takes place.

4. In that view of the matter, this Court grants liberty to all parties to mention WPA 28453 of 2025 before the Single Bench for early consideration to ensure that interest of all parties are protected.
5. Until the consideration by the Single Bench of the aforesaid WPA 28453 of 2025 and subject to any order that may be passed by the Single Bench, the HMC shall stay its hands insofar as the order of demolition dated 19th September, 2025.
6. It is made clear that the aforesaid order of stay of hands by the HMC shall continue for a period of one month from the date or any orders that may be passed by the Single Bench in WPA 28453 of 2025, whichever is earlier.
7. It is made clear that the Court has not entered into the merits of the order passed by the HMC and the Single Bench shall proceed to deal with the matter in accordance with law as it may deem, fit and proper in the facts of the case.
8. Since the respondents have not used any affidavit in opposition, the allegations contained in the stay petition shall not be deemed to have been admitted by them.
9. With the aforesaid observations, the instant appeal is disposed of. Consequently, connected pending application being CAN 1 of 2025 is also disposed of.

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

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)