

10. 14.01.2026.
Court No.03.
(Pritam)

WPA 28166 of 2025.

Santosh Kumar Choudhary.

-Vs.-

Howrah Municipal Corporation & Ors.

Mr. Debjit Mukherjee,
Mr. Kaustav Bhattacharya,
Ms. Priyanka Jana,
Ms. Sandhya Kumari.

.....for the petitioner.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka.

.....for the HMC.

1. The present writ petition has been filed, *inter alia*, challenging the order dated 24th November, 2025 passed against the writ petitioner, for demolishing the deviated portions in terms of Section 177(1) of the Howrah Municipal Corporation Act, 1980 within a period of 15 days from the receipt of such letter.
2. Although, a show-cause notice was issued on the petitioner, the petitioner claims that the petitioner was unable to be present at the time of hearing and as such could not respond to the show-cause and attend the personal hearing. Further, the order impugned is also vague.
3. When the matter was taken up for consideration on 9th December, 2025, this Court noting from the submissions made by the learned counsel

representing the petitioner that the demolition notice dated 24th November, 2025 does not identify the portions required to be demolished, directing the Howrah Municipal Corporation (HMC) to take appropriate instructions in the matter.

4. Today, Mr. Banerjee, learned counsel appearing for the HMC would submit that the HMC in the peculiar facts of this case and noting that the petitioner was not heard, seeks leave of this Court to decide the above matter afresh.
5. In the light of the above, while setting aside the order dated 24th November, 2025, I remand the matter back to the Assistant Engineer, Borough-IV to decide the matter afresh in accordance with law upon giving an opportunity of hearing to the petitioner.
6. It is made clear that the petitioner must be given an adequate opportunity of hearing and the proceeding must be brought to a logical conclusion by the authorities within a period of 8 weeks from the date of communication of this order.
7. With the aforesaid directions, the writ petitioner stands disposed of.

(Raja Basu Chowdhury, J.)