Vacation Bench
November 10, 2026
Sl. No.26
Court No.08
s.biswas

WPA 31462 of 2026

Sujoy @ Sujay Sarkar
vs.
Howrah Municipal Corporation and others

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar
... for the petitioner

Mr. Buddhadeb Ghoshal, Sr. Adv.
Mr. Biswajit Chowdhury
Ms. Ankita Mandal
... for the respondent no.7

Ms. Sonal Sinha
Mr. Sandipan Das
... for the Howrah Municipal Corporation

1. By presenting this writ petition, demolition order dated 28th September, 2026 passed by the Assistant Engineer, Howrah Municipal Corporation, is question.

2. It is submitted by Mr. Das, learned advocate appearing for the petitioner that one of the reasons assigned for passing aforesaid demolition order is admission on the part of the petitioner regarding erection of unauthorized construction by submitting a writing before the concerned authority of Howrah Municipal Corporation (hereinafter referred to as 'Corporation'). It is specifically submitted on behalf of the petitioner that at no point of time admission was made on behalf of the petitioner before the concerned authority of Corporation relating to nature of construction made by the petitioner.

3. Learned counsel representing the Corporation has made submission in order to defend the contents of demolition order dated 28th September, 2026 and it is

further contended that no relevant document was produced before the concerned authority of Corporation during the course of hearing in order to vindicate that the construction made by the petitioner was not unauthorized one.

4. Mr. Ghoshal, learned Senior Counsel representing the respondent no.7 has also made submission in support of demolition order dated 28th September, 2026 and it is further contended that based on the complaint lodged by the respondent no.7, steps have been taken by the concerned authority of Corporation. It is also submitted that a suit is pending before the Civil Court at the instance of the petitioner.

5. On perusal of the impugned order of demolition dated 28th September, 2026, it appears that reliance was placed on admission made by the petitioner by submitting a writing that said construction is unauthorized one. As per the case made out by the petitioner, the document which was relied upon by the concerned authority of Corporation in order to infer that there was an admission made on behalf of the petitioner relating to unauthorized construction, is dated 3rd April, 2025, which is annexed at page 129 of the writ petition. On perusal of the document at page 129 issued by the petitioner, it does not appear that there was an admission on the part of the petitioner relating to unauthorized construction made by him. Rather,

petitioner prayed for time to submit documents in respect of such construction.

6. Considering aforesaid facts and taking note of the contents of the impugned demolition order, this Court finds it apt to grant an opportunity to the petitioner to produce before the concerned authority of Corporation documents in support of the construction made. The Assistant Engineer, Borough-II, Howrah Municipal Corporation/respondent no.5 is directed to grant an opportunity of hearing to the petitioner and the respondent no.7 by 8 weeks from date and the respondent no.5 shall pass a reasoned order. The petitioner and respondent no.7 shall be at liberty to produce relevant documents in support of their respective cases.
7. The impugned demolition order dated 28th September, 2026 is set aside.
8. The writ petition stands disposed of.
9. There shall be no order as to costs.

(Saugata Bhattacharyya, J.)