

Court No. 07

WPA 12865 of 2023

29.05.2023

(AD 11)

(S. Banerjee)

Debapriya Sinha

Vs.

The State of West Bengal & Ors.

Mr. Somnath Roy Chowdhury

Ms. Arpita Chowdhury

... for the petitioner

Mr. Sandipan Banerjee

Mr. Ankit Sureka

... for the HMC

In this writ petition, the petitioner has challenged two notices dated May 16, 2022 and December 19, 2022 issued by the Howrah Municipal Corporation in connection with a G+4 storied building raised by the petitioner at 396, G. T. Road (South), Howrah.

It has been submitted by the petitioner that the said two notices have been issued without affording any opportunity of hearing to the petitioner. The petitioner is not aware of the allegations levelled against him. He is not even aware as to which part of the building is to be demolished since the notices have not specified the unauthorised construction.

On behalf of the Corporation it has been submitted that the said two notices were issued following an inspection carried out by the Corporation and during such inspection it was found that the petitioner has made some unauthorised constructions.

Without exchange of affidavits, the factual aspects involved in this writ petition cannot be ascertained.

I am not inclined to keep this writ petition pending.

This writ petition is disposed of with a direction upon the Howrah Municipal Corporation to afford a further opportunity of hearing to the petitioner and reconsider the said two notices dated May 16, 2002 and December 19, 2002. The petitioner shall appear before the authorized officer of the Corporation on June 14, 2023 at 12 noon. The said authorised officer shall hear the petitioner and pass an appropriate order in accordance with law within a period of two weeks thereafter. No separate notice of hearing needs to be served upon the petitioner.

With the above observation and direction WPA 12865 of 2023 is disposed of.

(Kausik Chanda, J.)