

WPA 671 of 2025

Avra Adhya

Versus

The Howrah Municipal Corporation & Ors.

Mr. Amritam Mandal

..... for the petitioner

Mr. Dhiraj Trivedi, sr. adv.

.... appearing as amicus curiae

Mr. Sandipan Banerjee

Mr. Santanu Chatterjee

Mr. Ankit Sureka

..... for the HMC

Mr. Biswaroop Bhattacharya

Mr. Srijib Chakraborty

Mr. Sumitava Chakraborty

Ms. Rupsa Sreemani

.... For the respondent No. 6

Mr. Kushal Chatterjee

Mr. Sibashis Chowdhury

.... For the respondent No. 7

1. Since Mr. Banerjee, learned advocate representing the municipality has placed before this Court an order dated 8th April, 2026 and would submit that a co-ordinate Bench of this Court has already passed an order staying the demolition, let the writ petition being WPA 21736 of 2025 also appear before this Court when the matter is taken up next.
2. Records would reveal that despite this Court by an order dated 8th May, 2026 directing the municipality to file a report, the municipality has once again not bothered to comply with the direction. The explanation given by Mr. Banerjee that inspection is in the process of being carried

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out does not appear to be sufficient compliance of an order dated 8th May, 2026. It was expected that the municipality would carry out an inspection and file a report especially when it was the petitioners' case that notwithstanding the direction by this Court to stop all further construction, the same was not being adhered to. This situation appears to be alarming.

3. Further since, the learned advocate for the petitioner would submit that notwithstanding the specific direction passed by this Court directing that the entire building which is still under construction remains unoccupied the respondents are trying to occupy the same, it is in the peculiar facts, I am of the view that the respondent No. 2 must file an affidavit before this Court and explain the circumstances under which the order dated 8th May, 2026 has not been complied with.
4. The respondent No. 5 is directed to carry out an inspection of the premises in question with the assistance of the respondent Nos. 3 and 4 and file a report before this Court enclosing an inventory of the property when the matter is taken up next.
5. Mr. Bhattacharya, learned advocate for the respondent no.6, at this stage, would submit that in identical set of facts, this Court had already passed an order in WPA 1318 of 2025 vide its

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order dated 30th March, 2026 and has directed the municipality to initiate proceedings under Section 177 of the Howrah Municipal Corporation Act, 1980 as regards the alleged unauthorised construction.

6. He would also submit that the private respondent no.6 is facing proceedings initiated under Section 177 of the HMC Act, 1980. He submits that after the order dated 30th March, 2026 was passed, no further construction has been carried out. According to him, the order dated 8th April, 2026 passed in WPA 21736 of 2025 was at the instance of the private respondent no.6. He would submit that the private respondent No. 6's son Shree Rajesh Gupta is present in Court, he has the authorization from the respondent No. 6. Rajesh Gupta son of Anil Gupta undertakes before this Court that no further construction shall take place without the leave of this Court.
7. Mr. Trivedi, learned senior advocate is present in Court today he has in the past represented the police authorities. He is appointed as Amicus Curiae in the matter. He is directed to look into the matter. The petitioner is directed to supply a copy of the writ petition to Mr. Trivedi in course of this day.

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8. List this matter on 15th June, 2026 under the same heading when the reports and the affidavit as directed shall be filed.

(Raja Basu Chowdhury, J.)