Item No.15
14.10.2026
Court. No. 12
GB

MAT 1793 of 2026
With
CAN 1 of 2026

Sri Madhusudan Maity & Anr.
Vs.
The South Dum Dum Municipality & Ors.

Mr. Amitava Mukherjee,
Ms. Munmun Dubey,
Ms. Arpita Saha
... for the Appellants.

Mr. Amalesh Ray, Sr. Adv.,
Ms. Mousumi Bhowal,
Mr. Aman Gupta
... for the Municipality.

1. Affidavit-of-service filed in Court today, is taken on record.

2. Despite service, none appears on behalf of the the respondent nos.6 and 7.

3. As there is urgency in the matter in view of the demolition order passed against the appellants, we deem it necessary to take up the matter in the absence of the said respondents.

4. The appeal is allowed.

5. We find that the order impugned was passed by the South Dum Dum Municipality, directing demolition and removal of the septic tank which was constructed on the North-West corner of the passage outside the boundary wall of the appellants.

6. The appellants contend that although an inspection report has been mentioned in the order dated May 29, 2026, the said report was not supplied to the appellants and the order was passed in violation of the principles of natural justice.

7. We also find that the contentions of the appellants and one Sri Bijay Gorai, the complainant have not been recorded.

8. Under such circumstances, the order being unreasoned and vulnerable on account of non-supply of the report which had been used against the appellant, the matter is required to be revisited.

9. The order impugned is set aside. His Lordship failed to take into consideration the issue of violation of the principles of natural justice by the municipality in not granting adequate opportunity to the appellants to deal with the inspection report and make submissions on the basis thereof. Municipality also submits fairly that the report was not supplied to the appellant. The report has been handed over in Court. The appellants will be at liberty to respond to the said report. The municipality will issue notice to both parties once again. The report shall also be supplied to the respondent nos.6 and 7 and thereafter the entire matter shall be heard and proceeded with in accordance with law. A reasoned order shall be passed and communicated to the parties. As an inspection had already been held, no further inspection is necessary.

10. Accordingly, the appeal and the application are disposed of.

11. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)