

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE**

*WPO/1792/2022
IA No. GA/2/2024
GA/3/2024
GA/4/2025
GA/5/2025*

LANSDOWNE MARKET BABSAYEE SAMITY AND ANR.

-VERSUS-

THE KOLKATA MUNICIPAL CORPORATION AND ORS.

WPA/1787/2025

SUSMITA BHOWMICK & ORS.

-VERSUS-

THE KOLKATA MUNICIPAL CORPORATION AND ORS.

WPA/25438/2025

RAJEN GUPTA & ANR.

-VERSUS-

THE STATE OF WEST BENGAL AND ORS.

WPO/35/2025

BISWANATH PAUL

-VERSUS-

THE KOLKATA MUNICIPAL CORPORATION AND ORS.

Present :

The Hon'ble Justice Shampa Dutt (Paul)

For the Petitioners in WPO/1792/2022 : *Mr. Anindya Lahiri, Sr. Adv.
Mr. Puspall Chakraborty, Adv.
Mr. Arkadip Sengupta, Adv.
Mr. Prishanka Ganguly, Adv.
Mr. Samrat Dey Paul, Adv.
Mr. Subhomoy Paul, Adv.*

For the Petitioners in WPA/1787/2025	: <i>Mr. Alak Kr. Ghosh Adv.</i> <i>Ms. Manisha Nath, Adv.</i>
For the Petitioners in WPO/35/2025	: <i>Mr. Anindya Lahiri, Sr. Adv.</i> <i>Mr. Arkadipta Sengupta, Adv.</i> <i>Mr. Samrat Dey Paul, Adv.</i> <i>Mr. Anish Chakraborty, Adv.</i> <i>Ms. Archita Ghosh, Adv.</i>
For the KMC	: <i>Mr. Biswajit Mukherjee, Adv.</i> <i>Mr. Gopal Chandra Das, Adv.</i> <i>Ms. Ananya Das, Adv.</i>
For the State in WPO/1792/2022	: <i>Mr. Manoj Malhotra, Adv.</i> <i>Mr. Manoj Kumar Mondal, Adv.</i>
For the State in WPA/1787/2025	: <i>Mr. Dwarika Nath Mukherjee, Adv.</i> <i>Mr. Sagnik Bhattacharya, Adv.</i>
For the Respondent/Developer	: <i>Ms. Manju Agarwal, Sr. Adv.</i> <i>Ms. Anju Manot, Adv.</i> <i>Ms. Ruchi Hallen, Adv.</i>
For the applicant in GA/4/2025	: <i>Ms. Srijani Mukherjee, Adv.</i>
Judgment reserved on	: 20.08.2026
Judgment delivered on	: 17.09.2026

SHAMPA DUTT (PAUL), J. :-

1. All the four writ petitions are taken up together for consideration and are being disposed of by this common judgment and order.
2. The writ applications have been preferred alleging dispossession of the petitioners and demolition of stalls without following the directions as passed in the judgment dated 01.03.1995 passed in Appeal No.158 of 1994 and praying for cancellation of earlier tender for modernizing and re-development of Lansdowne Market by floating fresh tender.

3. The petitioners submit that sometimes in the year 1993, the then Calcutta Municipal Corporation (herein after referred to as the KMC), framed a scheme for the modernization and re-development of the existing Lansdowne Market, owing to its dilapidated condition and loss of revenue, and to provide better amenities to the citizens. Accordingly the KMC granted the work of redevelopment and re construction of the Lansdowne Market, which covers an area of approximately 10,500 Sq. M. to one Happy Homes and Hotels (P) Ltd. (hereinafter referred to as the Developers, for the sake for brevity)
4. The petitioners further submit that without disclosing the sanctioned plan for development and the plan for temporary relocation and the proposed place and area of re-establishment of the existing shop/stall/slab owners of the Lansdowne Market, the KMC in collusion with the Developers preferred a writ petition before this Hon'ble Court.
The matter travelled to the Division Bench and then to the Hon'ble Supreme Court which remanded the issue again before the Hon'ble Division Bench vide an order dated 05.12.1994. Finally, the Division Bench passed a judgment dated 01.03.1995, inter alia, giving several directions as to how the development of the Market would take place.
5. The petitioners herein claim that the developers are deliberately suppressing the alleged building plan sanctioned by the KMC and nothing is disclosed to the petitioners herein who are, thus, prejudiced.

6. The petitioners, apprehending loss of livelihood by the structures being demolished, have approached the Court for relief. **The petitioners state that they are not against the re-development of the market building and are ready and willing to cooperate with the KMC as well as the developer, but want to be informed about the total development process.**
7. It is the further case of **the petitioners in WPA/1787/2025 that the direction of the Hon'ble Division Bench as well as the Coordinate Bench have not yet been acted upon save and except a minor portion of work as stated above. The said direction pertaining to the redevelopment of the market building are binding upon all parties including the Kolkata Municipal Corporation and the Developer. In such circumstances, the petitioners prayed for specific compliance with each of the directions of the Hon'ble Division Bench and also the Coordinate Bench both by the Kolkata Municipal Corporation and the Developer within a specific period** and both the Kolkata Municipal Corporation and the Developer may be directed to submit their report stating, one after another directions that have been complied with and/or acted upon.
8. The Hon'ble Division Bench in the detailed judgment and specific order dated 01.03.1995 (pages 4 and 5), inter alia observed, as follows :-

“i. The construction of the building will be made in five phases.

ii. The stall holders and squatters will not be affected by the construction in phase-I as they will be first shifted to the

alternative accommodation in or around the market before the demolition of the structure so that they can carry on their business during the period of construction in phase-I.

- iii. Upon completion of the building in phase-I, the stall holders and squatters cum vendors will be brought back to the new building.*
- iv. Thereafter, the construction of other phases will be taken up by following similar procedure. By this process, all the five phases of the building will be constructed without affecting the businesses of the stall holders and squatters.*
- v. All the stall holders will get accommodation in the ground floor of the new building and will be entitled to carry on the same type of businesses as they are carrying now without paying any extra amount of licence fee under the scheme of development.*
- vi. None of the stall holders will be out of business even for a single day.”*

9. Upon recording the said observation the Hon’ble Division Bench disposed of the appeal, inter alia, with the following directions :-

- “a) The respondent no. 5 the developer shall first construct the temporary structure for occupying the stall holders who are likely to be affected by any construction in a particular phase and offer to them giving seven days time to shift.*
- b) After the expiry of seven days from the date of offer, the municipal authorities and the developer will have no further obligation, but they will be at liberty to proceed with the work.*
- c) The developer and the municipal authorities shall jointly intimate the stall holders the number of stalls and the area which will be demolished in phases for the purpose of reconstruction.*

- d) *The municipal authorities are directed to see that the alternative accommodation that is provided is same in area, more or less, which the stall holders were enjoying. The municipal authorities will also see that the electrical and other facilities were already provided in the market are also to be extended to the stall holders.*
- e) *After vacating the area to be demolished in a phased manner, the respondent no. 5 is directed to proceed with the construction expeditiously and complete the same expeditiously under the agreement so that the entire market is rebuilt as per the scheme within time to be mutually fixed by the municipal authorities and the developer in accordance with the plan as approved by the municipal authorities.*
- f) *After reconstruction, the municipal authorities and the developer shall allot to the existing stall holders more or less the same area in the ground floor of the new building.”*

10. Against the aforesaid judgement of the Hon'ble Division Bench, a Special Leave Petition being SLP 12182 of 1995 was preferred before the Hon'ble Supreme Court which was disposed of vide judgement dated 11.07.1995. Their Lordships of the Hon'ble Supreme Court while disposing of the Special Leave Petition and refusing to interfere with the judgement of the Hon'ble High Court passed the following order :-

"We are not inclined to interfere with the impugned order of the High Court. However, we place it on record that Mr. Tapash Ray, the Learned Counsel appearing for the Calcutta Municipal Corporation states that pursuant to the direction of the High Court an alternative site near the market in question has been

earmarked for accommodating the stall holders when construction will be undertaken. The Special Leave Petition is disposed of."

11. It is thus, submitted that the specific directions of the Hon'ble Division Bench affirmed by the Hon'ble Supreme Court be acted upon with each of the directions indicated within a specific time frame.
12. Heard learned counsels for all the parties in the writ petitions, the Kolkata Municipal Corporation and the developer. In course of hearing, the KMC and the developers have placed the sanctioned plan and the other papers before the Court.
13. On hearing the learned counsel for the parties and on perusal of the materials on record, it appears that all the writ applications have done nothing other than to delay the total process, as there is severe in-fighting amongst the office bearers of the different committees, which represent the Lansdowne Market shop-owners.
14. There is absolutely no new case made out in any of the writ applications from that which has been decided by the Hon'ble Division Bench and affirmed by the Hon'ble Supreme Court.
15. It appears that the parties are aggrieved only by non-disclosure of the sanctioned building plan or the development decisions. **The Hon'ble Division Bench has taken all factors into consideration and passed a comprehensive order which remains in force till date and provides the complete instructions for the development and re-construction of the Lansdowne Market.**

16. Thus, considering the fact that the parties have raised only the issue of wanting to be informed of every steps taken by the developer and the Corporation for the purpose of development/re-construction of the said market, it appears that **there is no new issue to be decided by this Court.**

17. Thus, **this Court finds no merit in any of the writ applications** and all of them are disposed of with the following directions :-

- a. The KMC and the developer shall proceed to complete the development of the Lansdowne Market as per the specific directions and instructions as given in Appeal No.158 of 1994 and matter No.60 of 1994 passed by the Hon'ble Division Bench vide judgment dated 01.03.1995.
- b. All shop-owners shall comply with the directions contained in the judgment and order dated 01.03.1995 and provide all assistance to the developer and the KMC to proceed with the development, at the earliest within the time frame as mentioned in the judgment of the Hon'ble Division Bench, which shall now have a fresh extension from the date of this judgment and order.
- c. The developer and the KMC are at liberty to take the help of the police authorities to ensure that the project is carried on without any unnecessary disturbances created by any of the parties herein and the authorities shall then proceed in accordance with law.

- 18. WPO/1792/2022, WPA/1787/2025, WPA/25438/2025 and WPO/35/2025 are disposed of.** Connected applications also stand disposed of.
- 19.** Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(SHAMPA DUTT (PAUL), J.)