

**Sl. 21**  
**02.09.2024**  
**Suman**  
**Ct.No.15**

**WPA 19855 of 2023**

**94, Rabindra Sarani Tenants Welfare  
Association and Anr.  
Vs.  
Kolkata Municipal Corporation and Ors.**

Mr. Tapas Kumar Sinha  
..for the petitioners

Mr. Gopal Chandra Das  
Ms. Ujani Pal  
..for KMC

Mr. Rajdeep Bhattacharya  
Md. Imteyaj Alam Lodhi  
..for respondent nos. 9 to 13.

Let the report filed by the Corporation be kept  
with the records.

In this writ petition, the petitioners challenge a  
notice issued by the Kolkata Municipal Corporation  
under Section 411(2) of the Kolkata Municipal  
Corporation Act, 1980.

It appears that in respect of a  
five-storey-building at premises no. 94, Rabindra  
Sarani, Kolkata –700073, a notice under Section  
411(1) of the Kolkata Municipal Corporation Act, 1980  
was issued since the building was found to be in a  
dilapidated and ruinous condition.

On the approval of the competent authority a notice board declaring the building as “dangerous building” was also affixed to the premises.

The tenants of the building, however, did not take any steps in terms of the notice issued under Section 411(1) of the Kolkata Municipal Corporation Act, 1980, to repair the existing building under the supervision of an empanelled structural engineer or licensed building surveyor.

Accordingly, the Corporation issued a notice under Section 411(2) of the Kolkata Municipal Corporation Act, 1980 on November 19, 2019, to vacate the said premises to avoid accidental hazards.

The learned advocate appearing for respondent nos. 9 to 13, who claim to be the landlords of the premises submits that the building should be demolished and that they are willing to allocate the proportionate share of the tenants in the newly constructed building.

Learned advocate appearing for the petitioners gives an undertaking before this Court that the petitioners will comply with the notice under Section 411(1) of the Kolkata Municipal Corporation Act, 1980 and take immediate steps to repair the building.

Since the Corporation is of the view that the building can be repaired under the supervision of a competent officer, I restrain the Corporation from

implementing the notice under Section 411(2) of the Kolkata Municipal Corporation Act, 1980 for a period of three months from date.

The petitioners shall engage an empanelled engineer or licensed building surveyor from the approved list of the Corporation within a period of fourteen days from date and start repairing work immediately thereafter.

It is clarified that if the petitioners fail to repair the building within a period of five months from date, the Corporation shall be at liberty to take necessary steps in accordance with law.

It is clarified that the tenants in undertaking the repair work shall not change the structural design of the building or make any addition or alteration in the building.

Accordingly, **WPA 19855 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

**(Kausik Chanda, J.)**