

12.06.2025
Sl. No.01.ADSL
Ct. No.15
Suman

WPA 10527 of 2025

Noor Alam Molla and Anr.
Versus
The Kolkata Municipal Corporation and Ors.

Mr. Sounak Bhattacharya
Mr. Sumitava Chakraborty
Mr. Sounak Mondal
..for the petitioners

Mr. Subhrangsu Panda
Ms. Ujani Pal (Samanta)
..for KMC

The petitioners contend that their residential building, located at premises No. Y2-61/B/2, is under threat of demolition by officials of the Kolkata Municipal Corporation (KMC) without any prior notice being given to them.

The learned advocate appearing on behalf of the petitioners submits that the petitioners purchased the relevant property in 2018, following which their names were duly mutated in the relevant Corporation records. In September 2024, the Corporation demolished a portion of the property. Subsequently, without any notice to the petitioners, the Corporation officials scheduled further demolition of the property for today.

Conversely, the learned advocate representing the Kolkata Municipal Corporation submits that proceedings were initiated under Section 400(8) of the Kolkata

Municipal Corporation Act, 1980 on August 23, 2024, after which the Corporation commenced steps to complete the demolition.

It appears that while the petitioners claim ownership of premises No. Y2-61/B/2, Kanthal Beria Road, Ward No. 140, Borough XV, the proceedings under Section 400(8) of the Kolkata Municipal Corporation Act, 1980 were initiated in respect of premises Nos. Y2-62/2 to Y2-62/5, Kanthal Beria Road, Ward No. 140, Borough XV. Furthermore, the demolition order dated August 23, 2024, issued by the Corporation under Section 400(8), does not disclose any urgency warranting immediate demolition without notice.

In view of the foregoing, the demolition order dated August 23, 2024, issued by the Kolkata Municipal Corporation under Section 400(8) of the Kolkata Municipal Corporation Act, 1980, is hereby set aside.

The concerned officer of the Kolkata Municipal Corporation is directed to issue a notice under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 within two weeks from the date hereof.

The petitioners shall be provided an opportunity of hearing by the Kolkata Municipal Corporation. Following the hearing, the Corporation shall pass an appropriate order.

This entire process shall be completed expeditiously, preferably within three months from the date hereof.

Accordingly, **WPA 10527 of 2025** 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.)