

66
14-05-2025
AKG
Ct. 15

WPA 10599 of 2025
Smt. Sarla Lohia
Vs.
Kolkata Municipal Corporation & Ors.

Mr. Biswaroop Bhattacharya,
Mr. Chandrachur Chatterjee,
Mr. Sumitava Chakraborty,
Ms. Rubab Fatma

...for the Petitioner

Mr. Sandipan Banerjee,
Mr. Swapan Kr. Debnath

...for KMC

Mr. Koushik Bhattacharyya

...for Respondent No. 6

The petitioner contends that she made certain alterations to her flat at Satyam Tower, Flat No. 9A/1, 3, Alipore Road, Kolkata – 700 027, in order to ensure compliance with “Vastu” requirements for the flat.

It appears that, on the basis of a complaint filed by respondent no. 6, the owner of the flat situated below the petitioner’s, the Kolkata Municipal Corporation initiated proceedings under Section 401 of the Kolkata Municipal Corporation Act, 1980, as against the construction undertaken by the petitioner. Subsequently, these proceedings were converted into proceedings under Section 400(8) of the same Act.

The petitioner alleges that, as a result of these proceedings, she was subjected to demolition without

being afforded any opportunity to be heard.

It is an admitted fact that the demolition order under Section 400(8) of the Kolkata Municipal Corporation Act, 1980, has already been executed, and the relevant construction has been demolished.

By way of this writ petition, the petitioner seeks to set aside the proceedings under Section 400(8) of the Kolkata Municipal Corporation Act, 1980, and to have the previous construction reinstated. The petitioner argues that, in the circumstances of this case, the Corporation could not have invoked Section 400(8) since the alterations made were merely internal and did not require prior approval from the Corporation.

The learned advocate for the Corporation, however, denies the petitioner's allegations.

The learned advocate for respondent no. 6 submits that the petitioner's construction resulted in water seepage into his bedroom and living room, causing inconvenience.

It is my view that, since the order passed by the Corporation under Section 400(8) of the Kolkata Municipal Corporation Act, 1980, has already been executed and the impugned construction demolished, it would be a futile exercise to examine the propriety or validity of these proceedings at this stage. The petitioner's appropriate

recourse now lies in seeking damages for any losses incurred, if any.

It appears that the petitioner has submitted an application to the Corporation seeking permission for further additions or alterations to the flat in question. This application is currently pending before the Corporation.

In light of the above, I dispose of this writ petition by directing the Corporation to consider the petitioner's application in accordance with the relevant laws, should such construction require permission. It is clarified that the proceedings under Section 400(8) of the Kolkata Municipal Corporation Act, 1980, have already been concluded, and any orders passed in relation to those proceedings shall no longer have any bearing on the proposed construction.

With the above observations, **WPA 10599 of 2025** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)