

25.07.2025
ADSL 1
Ct. No.15
S.A.

WPA 16879 of 2025

Munna Mandal
-vs-
Kolkata Municipal Corporation & Ors.

Mr. Sumitava Chakraborty
Mr. Avirup Chatterjee
Mr. Rishov Das
...for the petitioners
Mr. Fazlul Haque
Ms. Ina Bhattacharyya
...for KMC

It is not in dispute that the petitioner obtained a sanctioned building plan from the Corporation for the reconstruction of a G+2 storied structure.

A stop-work notice was issued on June 6, 2004, alleging certain deviations from the sanctioned plan.

Learned counsel appearing on behalf of the petitioner submits that, without any prior notice or hearing, the Corporation has suddenly invoked the provisions of Section 400(8) of the Kolkata Municipal Corporation Act, 1980, for demolition of the portion of the building allegedly constructed in deviation of the sanctioned plan.

In the circumstances, I am of the view that no demolition ought to have been undertaken without affording the petitioner an opportunity of hearing. There was no urgency in this matter that justified invocation of Section 400(8) of the Kolkata Municipal Corporation Act, 1980.

Accordingly, the demolition order dated July 3, 2024, is set aside.

The Corporation, however, shall be at liberty to initiate proceedings under Section 400(1) of the Kolkata Municipal Corporation Act, 1980, after giving due notice and opportunity of hearing to the petitioner and all other affected parties.

The entire proceeding shall be concluded within a period of three (3) months from the date of this order.

Accordingly, **WPA 16879 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.)