

06.11.2025
Ct. 3
Item No.
AD 8
Saswata

WPA 24064 of 2025
Deparna Majumder
Versus
Kolkata Municipal Corporation & Ors.

Mr. Gunjan Kumar Singh
Ms. A. Das

... For the petitioner

Mr. Sandipan Banerjee
Mr. Dipankar Ghosh

... For the KMC

Mr. Pradip Kumar Mondal
Ms. Jaladhi Das

...For the State

1. Affidavit of service filed in Court today is retained with the record.
2. Report filed on behalf of the KMC is taken on record.
3. The petitioner complains that without serving notice on the petitioner a part and portion of the building situated at 1304 Upendranath Banerjee Road, Kolkata – 700060 was demolished by the Municipal authorities by holding that the same is dangerous and in a dilapidated condition. It is the petitioner's contention that the petitioner had visited the Municipal authorities on 8th September, 2025 to lodge the complaint as regards the demolition when the petitioner was served with a notice dated 21st August 2025 under Section 411(1) of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the "said Act") that too after the demolition was over. The petitioner claims that the petitioner had made a further written representation on 11th September, 2025.

4. Mr. Banerjee, learned advocate appearing for the KMC submits that the demolition had taken place after an opportunity was given to the petitioner to secure and repair the portion.
5. I find that the petitioner is a tenant and her name appears on such notice. However, without going into such controversy as to whether the above notice was served on the petitioner, I am of the view that at this stage, since the dangerous portion comprising of a parapet wall had already been demolished, no further demolition may be necessary without hearing the petitioner.
6. Accordingly, I direct the Executive Engineer, Borough XIV, KMC to carry out an inspection of the building in question upon prior inspection to all interested parties including the occupants of premises no. 1304, Upendranath Banerjee road, Ward no. 131 and to take a decision as regards the nature and State of the building by passing a reasoned order after providing opportunity of hearing to the parties.
7. Needless to note that the Executive Engineer after passing the reasoned order shall be at liberty to act in accordance with law.
8. With the above direction and observation the writ petition is disposed of.
9. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)