

ORDER SHEET

WPO/186/2025

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

DWRIPTEN DAW
Versus
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE GAURANG KANTH
Date : 3rd July, 2025.

Appearance
Mr. Krishna Das Poddar, Adv.
Ms. Mandira Barman, Adv.
Mr. Surajit Maity, Adv.
...for the petitioner

Mr. Gopal Chandra Das, Adv.
...for KMC

Ms. Tuli Sinha, Adv.
...for State

The Court: The petitioner has filed the present writ petition seeking a direction upon the respondent-Municipality to declare the building situated at premises no. 15A, A.J.C. Bose Road, Kolkata, as a dangerous structure, and to further direct the respondent to take immediate steps for its demolition.

The petitioner claims to be the owner of the aforesaid premises, comprising an old, dilapidated single-storeyed building. It is submitted that substantial portions of the building are in a precarious condition and are at imminent risk of collapse. In support of his contention, the petitioner has annexed photographs to the writ petition, demonstrating that the roof of the

structure has already collapsed. He asserts that the existing building is entirely uninhabitable and poses a grave threat to life and property.

Learned counsel for the petitioner submits that there was one tenant occupying the said premises, who has been impleaded as a party to the present proceedings. However, it is stated that the said tenant has since vacated the premises. Counsel further submits that the petitioner made a representation dated 26.12.2024 to the respondent-authority, requesting demolition of the structure on account of its hazardous condition. Despite such representation, no action has been taken by the respondent to declare the building as dangerous. Aggrieved by this inaction, the petitioner has approached this Court.

Learned counsel appearing for the respondent-Corporation disputes the petitioner's averments and contends that there may be other occupants residing in the said premises. He further submits that the photographs annexed with the writ petition are not sufficient to conclusively establish that the building is in a dangerous condition. Nevertheless, the respondent-Corporation is willing to consider and dispose of the petitioner's representation dated 26.12.2024.

Learned counsel for the petitioner submits that he would be satisfied if the said representation is considered and decided in a time-bound manner.

In light of the submissions made by the learned counsel for the parties, this Court directs respondent no. 4 to consider and dispose of the petitioner's representation dated 26.12.2024, strictly in accordance with law, within a period of eight weeks from the date of communication of this order. The respondent shall ensure that a reasoned and speaking order is passed

after granting an opportunity of personal hearing to the petitioner and to any other stakeholders or occupants who may be residing in the said premises.

With the above direction, the present writ petition is disposed of.

(GAURANG KANTH, J.)

R.Bhar/bp