

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/821/2022

AMALGAMATED FUELS LIMITED
VS
KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:
The Hon'ble JUSTICE SMITA DAS DE
Date : 25th July, 2025

Appearance:
Mr. Avinash Kankani, Adv.
Mr. Suman Majumder, Adv.
...for the petitioner.

Mr. Alak Kumar Ghosh, Adv.
Mr. Fazlul Haque, Adv.
... for the KMC.

The Court: The instant writ petition has been filed by one Amalgamated Fuels Limited being the sole and absolute owner of the premises no. 87H to 87L Park Street, Kolkata-700016 (hereinafter referred to as the said premises) which has been referred and collectively known as Municipal Premises No. 87, Park Street, Kolkata-700016 though indicated at page 26 of the writ petition the Pincode as Kolkata-700020 praying inter alia, for removing the said premises from the list of heritage building of the Kolkata Municipal Corporation (hereinafter referred to as the 'KMC' for the sake of brevity and convenience) and also not to give effect to the circular dated 25th February, 2009.

Apropos, the facts of the case is that the petitioner is the sole and absolute owner of the premises in question. It is the case of the petitioner that sometimes in the beginning of 2020 the property was listed as heritage under grade-I category (architectural style) in the KMC circular released on 25th February, 2009). From the pleadings it transpires that the petitioner

came to know that the property was identified as a heritage property as a result of which the petitioner was compelled to write a letter to the respondent no. 4 on 10th February, 2020 requesting inter alia, to furnish the relevant minutes/orders for declaring the premises in question as 'Heritage' under grade-I category.

The learned Counsel for the petitioner submits that no notice was ever served upon the petitioner with regard to the property being earmarked as a heritage property and also no opportunity of hearing was afforded to the petitioner (being the owner of the property) before listing the property as heritage under grade-I category. The letter dated 10th November, 2020 was written by the petitioner to the respondent no.4 but did not receive any response from the end of the authority concerned. The petitioner submits that under such pretext the petitioner was compelled to write a further letter dated 05.04.2021 to the respondent no.4 by bringing to the notice of the authorities that the circular dated 25th February, 2009 was issued without any notice or affording any opportunity of hearing for taking exception to the same with regard to the listing of the property under heritage status. Despite repeated requests made for furnishing the document the authority concerned kept silent without acceding to the same.

Per contra, the Counsel for the respondent authorities strenuously argues that a fresh representation with regard to the delisting of the premises in question from the list of the heritage building of Kolkata Municipal Corporation be submitted along with the entire details of the property including the correct holding numbers of the property in question before the respondent No. 2.

He further submits that a date shall be fixed accordingly for holding a meeting with regard to the delisting of premises in question as per the provision contemplated in the statute.

After hearing the rival contention of the parties and after perusing and considering the available records, I am of the considered view that the petitioner shall make a proper representation before the respondent no.2 within 10 days and the authority concerned shall convene a meeting and arrive at a finding with regard to the delisting of the property in question from the status of 'Heritage' under grade-I category (architectural style) as per KMC circular released on 25th February, 2009. After holding the meeting, the concerned authority shall pass a reasoned order in accordance with law upon affording an opportunity of hearing to all the parties, and the same shall be communicated to the petitioner within a week thereafter. It is made clear that since I have not gone into the merits of the case, all the points are left open to be decided by the competent authority.

The entire exercise shall be completed within a period of six weeks from the date of the submission of the application, failing which the consequence shall be followed accordingly.

Accordingly, the writ petition is disposed of.

(SMITA DAS DE, J.)