

OD-2

ORDER SHEET
WPO/862/2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

AMIYA CHARAN ROQUITTE @ AMIYA CHARAN RAKSHIT
-VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE JAY SENGUPTA

Date : 16.12.2025

Appearance:

Mr. S. Banerjee, Adv.; Mr. M. Dutta, Adv.; Mr. R. Upadhyay, Adv., appear for
petitioner.

Mr. A.K. Ghosh, Adv.; Ms. M. Nath, Adv., appear for KMC.
Mr. M. Ganguly, Adv.; Mr. D.K. Gupto, Adv.; Mr. S. Saha, Adv., appear for
private respondent nos. 7, 8, 11 to 24.

Finally heard on: 16.12.2025.

Judgment delivered on: 16.12.2025.

1. **Jay Sengupta, J.:** This is an application, inter alia, praying for directions upon the respondents authorities to take immediate measures for demolition and/or facilitating demolition of the building standing at premises no.19A, 19B, 19C and 19D, Bipin Behari Gangully Street, Police Station-Bowbazar, Kolkata-700012.
2. Learned counsel representing the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondent is purportedly in possession of the same. The building is in a

dilapidated condition and it may collapse at any time, thereby causing serious harm to the inhabitants and/or passersby. Despite repeated requests made to the occupiers to address the situation, no steps were taken. Things came to such a pass that the petitioner was compelled to approach the Municipal Corporation/respondents authorities for appropriate action for demolition of the building. The KMC thereafter issued a notice under section 411(1) of the KMC Act. However, the notice did not specify which portion of the premises was liable to be repaired and which portion was to be demolished. In view of the above situation, the petitioner was compelled to approach this Court for appropriate reliefs. During pendency of this application, a direction was passed to have inspection and survey of the premises to be done in this regard by the concerned Department of the Jadavpur University. A report was filed by the Assistant Professor, Construction Department, Jadavpur University, before this Court on August 14, 2025. Among other things, it was found in the report that the said building was in a dilapidated condition and beyond any effective repair, and it was highly unsafe and unsuitable for use. In the opinion of the expert, the construction of the building was vulnerable and unsafe and the same was liable to be brought down.

3. Earlier, liberty was granted to the private respondents to file exception. But, the same has not been filed.

4. Learned counsel appearing for some of the private respondents opposes the application. He submitted that the survey and inspection were carried out by the authorities of the Jadavpur University behind their back. The private respondent has undertaken repairs after taking permission from the KMC.
5. Learned counsel appearing for the KMC submits as follows. The notice was issued upon visual inspection of the premises. It was clarified that action would be taken after the concerned expert made thorough inspection of the premises. There exists no apparent vagueness in the notice.
6. I have heard the learned counsel for the parties and perused the petition, the affidavit, and the report filed by the concerned department of Jadavpur University.
7. The expert from the Jadavpur University is absolutely clear and categorical about the condition of the building, that it is in a dilapidated condition and beyond effective repair. The expert also found that on the safety point of view, the building should be abandoned with immediate effect.
8. It also appears that the KMC had issued a notice under section 411 of the Act.
9. Without going into the issue of whether the notice is bad for vagueness, in view of the subsequent developments, including the opinion in the report of the concerned department of the Jadavpur University and

considering the exigency, the KMC authorities are directed to take effective steps, and decide whether to have the building demolished or not, keeping in mind the report of the concerned department of the Jadavpur University and upon hearing the concerned parties, as expeditiously as possible, but positively within six weeks from the date of communication of this order. In the interregnum, the KMC authorities shall take appropriate steps to ensure that no accident or fatality happens at the said premises.

10. With the aforesaid directions, the writ petitioner is disposed of.

(JAY SENGUPTA, J.)