

OD – 7

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

ORIGINAL SIDE

APO/54/2025

IA NO: GA/2/2025

RENU JAIN AND ORS

VS

THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE :

THE HON'BLE JUSTICE RAJASEKHAR MANTHA

And

THE HON'BLE JUSTICE AJAY KUMAR GUPTA

Date : 8th December, 2025

Appearance :

Mr. Asoke Kumar Banerjee, Sr. Adv.

Mr. Saurav Chaudhuri, Adv.

...for the appellant.

Mr. Alak Kumar Ghosh, Adv.

Mr. Subhrangsu Panda, Adv.

...for the KMC.

The Court: The appeal is directed against the judgment and order dated 20th February, 2025 passed by the Single Bench of this Court. The appellant/petitioner's grievance was that the KMC has refused to accord sanction to a plan for reconstruction and/or repairs of a dilapidated structure at 14, Armenian Street, Kolkata – 700 007.

Pursuant to earlier proceedings, the KMC was directed to consider the representation of the appellant/petitioner.

The KMC, duly heard the appellant/petitioner and declined to sanction the plan on the basis of a revised street alignment line sanctioned on 10th September, 1919. The

proposed plan and sanction of building plan, according to the KMC, would interfere with the aforesaid revised street alignment plan. Such alignment, the KMC was authorised to make under Section 357(6) of the KMC Act, 1980. The KMC is, however, authorised in terms of the said section to revise the street alignment line from time to time.

This Court notes that at paragraph 14 of the impugned judgment the submission of counsel for the appellant/petitioner was duly recorded that in the event at any point of time in future the KMC was desirous of implementing the street alignment plan, the appellant/petitioner was agreeable to the KMC taking steps for demolition of her property. It further appears from the records that the premises is located in a busy street where several buildings are located on the very same street alignment line.

Having regard to the above, this Court permits the KMC to approve the plan that may be proposed by the appellant/petitioner, subject to the undertaking of the appellant/petitioner, his successor-in-interest, agents or assignees, to comply with any order of demolition of her/their premises at her/their own cost. In the event the KMC proposes to enforce the street alignment line it shall be done not just for the petitioner's premises but for all adjoining premises. Needless to mention that such demolition and enforcement of street alignment line shall be in public interest.

It is further ordered that the sanction of building plan shall be subject to strict compliance of the laws and the rules framed under the KMC Act with the exception of the Section 357(6) to the extent indicated above.

With the aforesaid observations, the appeal stands disposed of.

(RAJASEKHAR MANTHA, J.)

(AJAY KUMAR GUPTA, J.)

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