

OD-3

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Contempt)
ORIGINAL SIDE

CC/73/2024

SUHASINI LOHIA
VS
KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE

The Hon'ble JUSTICE SUPRATIM BHATTACHARYA
Date :12th September, 2025

Appearance:
Mr. Sukrit Mukherjee, Adv.
Mr. Shiv Ratan Kakrania, Adv.
Ms. Jiya Bose, Adv.
Ms. Surabhi Mehta, Adv.
Ms. Shadma Manzar, Adv.
..for the petitioner

Mr. Gopal Ch. Das, Adv.
Ms. Manisha Nath, Adv.
..for the alleged contemnors

Dictated by Arijit Banerjee, J.

The Court : The petitioner had approached a Learned Judge of this Court by filing a writ petition complaining that in spite of having made representation to the KMC Authorities, no steps were being taken in respect

of a dilapidated building on Chittaranjan Avenue, Kolkata which is in a dangerous condition, posing threat to the occupants thereof as also the nearby residents. The Learned Judge disposed of the writ petition by directing the KMC Authorities to initiate proceedings under Section 412A of the KMC Act, 1980 and take appropriate action.

The said order was carried in appeal before us by the occupants of the concerned building. By our judgment and order dated December 18, 2023, we had disposed of the appeal being APO/190/2023 by affirming the order of the Learned Single Judge and by extending the time for KMC to carry out the order by four months. We had also added that in the event the building was found to be a condemned one and therefore, had to be demolished, the occupants thereof would be rehabilitated in the newly reconstructed building.

Alleging violation of the aforesaid judgment and order dated December 18, 2023, the present contempt application has been filed.

Learned advocate for the respondents files a "Compliance Report" dated March 3, 2025. It appears from such report that the proceedings under 412A of the KMC Act culminated in the KMC's decision that the building in question indeed requires to be demolished. Appropriate notice was issued by KMC to the occupants of the building for vacating the same.

Therefore, we find that although belatedly, the order of the Learned Single Judge as affirmed by us, has been complied with by KMC.

Mr. Mukherjee, learned advocate for the petitioner, says that the predicament that the petitioner is facing is that the occupants of the building in question are refusing to vacate the same. Therefore, the building cannot be demolished. It is also submitted that the occupants are refusing access to the petitioner or his agents to carry out requisite measurements as is required under Rule 142 of the KMC Building Rules, 2009.

We put such submission of Mr. Mukherjee on record. However, we cannot pass any direction in that regard in this contempt application.

The present contempt proceedings stand closed. CC/73/2024 is disposed of.

This will not prevent the petitioner from initiating appropriate legal proceedings including contempt proceedings if he is entitled to do so in law, before the appropriate forum.

(ARIJIT BANERJEE, J.)

(SUPRATIM BHATTACHARYA, J.)