

24.06.2026
Court No.2
Item No.13
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

**CO 1573 of 2022
With
CAN 1 of 2022**

**Sumita Mondal & Ors.
Vs.
The Municipal Commissioner, The Kolkata Municipal
Corporation & Ors.**

Mr. Sounak Bhattacharya
Mr. Sounak Mandal
Ms. Bipasha Bhattacharyya

...for the petitioners

Mr. Saptangsu Basu, Sr. Adv.
Mrs. M. Hajra
Mr. Md. Shakeel Khan

...for the opposite party no.3

Mr. Subhrangsu Panda
Mrs. Ina Bhattacharyya

...for the KMC

1. Present petition has been filed challenging the order of the learned Chairman, Municipal Building Tribunal, Kolkata Municipal Corporation, in B.T. Appeal No. 23 of 2019 whereby the appeal filed against the order passed by the learned Special Officer (Building) in Demolition Case No. 37-D/Bldg/B-VIII/18-19 in connection with premises no. 11C, Ballygunge Station Road, Borough-VIII, Ward No.90, was dismissed.

2. Learned counsel for the petitioners submits that the order passed by the Municipal Building Tribunal is illegal and non-est as the premises in dispute even does

not fall within the definition of the “building” as provided under Section 2 sub-Section (5) of the Kolkata Municipal Corporation Act, 1980. Learned counsel for the petitioners has further submitted that the petitioners herein were inducted as tenants by one Sila Roy i.e. opposite party no.3 and the eviction suits are pending against them before the competent court of jurisdiction. Learned counsel for the petitioners has also invited the attention of the Court to the contradiction in the case of Kolkata Municipal Corporation regarding the age and duration of the alleged unauthorized construction. Learned counsel further submits that the order of the Special Officer (Building) and the Chairman, Municipal Building Tribunal is liable to be set aside.

3. Per contra, Mr. Basu, learned Senior Counsel appearing for the opposite party no.3, submits that the jurisdiction of this Court is limited while hearing a revisional application and the impugned order can be set aside only if there is a illegality or infirmity in the order of the Municipal Building Tribunal. Learned Senior counsel further submits that the revisional jurisdiction is limited to the jurisdictional error only. Learned Senior Counsel further submits that there is no sanction plan of the premises in question and, therefore, the entire structure raised on the same is liable to be demolished outrightly.

4. Learned counsel for the Kolkata Municipal Corporation has invited the attention of the Court to the affidavit-in-opposition filed by the Executive Engineer, Borough-VIII, building department under Kolkata Municipal Corporation. Learned counsel submits that the building department of the Kolkata Municipal Corporation duly inspected the property and verified the record and it was found that several persons have occupied the said property in question since the year 1984. It has further been submitted that upon the complaints being received the KMC initiated the proceedings in respect of unauthorized construction and took appropriate steps under Section 400 of the Kolkata Municipal Corporation Act, 1980. It has further been submitted that demolition order was passed in accordance with law after taking into account the submissions of all the parties concerned. Learned counsel submits that in this case no sanction was taken from the KMC before taking up any construction on the premises and, therefore, the entire construction on the plot is totally unauthorized and is liable to be demolished. Learned counsel submits that since it is an unauthorized construction, it is in the interest of even the persons residing thereon, the same should be demolished at the earliest.

5. The Court has considered the submissions of all the parties. There is no doubt to the settled proposition

that the Court while exercising the revisional jurisdiction has to the Act with circumspection. The revisional jurisdiction can be exercised only when there is manifest, illegality or perversity in the impugned order. The revisional Court cannot substitute its own view merely because an alternative view is possible.

6. Thus, this Court within the limited scope of jurisdiction to be exercised has examined the facts of the case. The facts are appalling. The construction has been carried out without any sanction plan from KMC. The incidents are not unknown where the buildings constructed in such a manner have collapsed costing the lives of several human beings. The Courts have to be very sensitive about such cases and allowing such buildings to exist is inviting the threat and loss to the human lives. This Court and the Apex Court has time and again repeatedly emphasized that any unauthorized construction has to be dealt with a stern hand. Thus, I consider that in absence of any sanction plan from the KMC in respect of the premises no. 11C, Ballygunge Station Road, Borough-VIII, Ward No.90, the structure thereon is liable to be demolished. This Court does not find any illegality or perversity in the order of the Chairman, Municipal Building Tribunal, Kolkata Municipal Corporation.

7. Accordingly, the present petition is dismissed. All applications connected thereto, if any, become infructuous and stand disposed of as well.

8. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)