02.11.2026
Item No. 9, 10, 11
Ct. No. 03
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W.P.A. 13124 of 2026
Vijay Banka & Ors.
Vs.
The State of West Bengal & Ors.

With
W.P.A. 28249 of 2026
New Milap Logistics & Ors.
Vs.
The Kolkata Municipal Corporation & Ors.

With

W.P.A. 28821 of 2026
M/s. Om Sai Ram
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. M. P. Gupta,
Ms. Moumita Dhar,
Ms. Supriya Mahajan
...For the Petitioner in W.P.A. 13124 of 2026 and respondent No. 7, 8 & 9 in W.P.A. 28821 of 2026 and W.P.A. 13124 of 2026.

Mr. Md. Narimuddin,
Mr. Prithiraj Das,
Ms. Rabina Noor.
... For the petitioner in W.P.A. 28249 of 2026 and W.P.A. 28821 of 2026 and respondent in W.P.A. 13124 of 2026.

Mr. Piush Chaturvedi, Sr. Adv.
Mr. Dipankar Ghosh. ... for the K. M.C.

The petitioners, who are the owners of the premises in question, have sought for implementation of an order dated 20th May, 2022 passed by the Deputy Chief Engineer (Civil), Building North, Kolkata, Municipal Corporation. By the said order dated 20th

May, 2022 the Deputy Chief Engineer (Civil), inter alia, passed the following directions:-

> *"In the event of disagreement or disinclination on part of owner or owners, as the case may be to avail of the opportunity contemplated under clause (iii) of Section 412A of the KMC Act, 1980, the owner or owners, as the case may be, keeping the building in dilapidated condition which may likely cause the environment pollution, fire hazards, unsafe to public safety, heath hazards, nuisance etc. shall be subject to to such action as provided in the law for the time being in force.*
>
> *Subject to the provision of Section 412A of the KMC Act, 1980, the Kolkata Municipal Corporation may cause development work in respect of the dilapidated buildings in such transparent manner and on such condition, as may be prescribed by Scheme, by the Kolkata Municipal Corporation."*

Challenging the order dated 20th May, 2022, the private respondents filed a writ petition being WPA 11455 of 2022. The said writ petition was taken up by a Coordinate Bench on 11th January, 2023 and after hearing the learned advocates for the parties the said Co-ordinate Bench, inter alia, passed the following order:-

"In view of the above, the present writ petition stands disposed of by granting liberty to the landlords to take steps in accordance with law for demolition of the old structure and for raising new construction thereon.

The plan proposal to be submitted by the landlords shall clearly earmark the area kept aside for the tenants/occupiers.

The tenants/occupiers of the said premises shall be put back in possession of their tenanted/occupied portion subject to the result of the Title Suit No. 1307 of 2021 pending before the 12th Bench, City Civil Court at Calcutta.

All the above writ petitions stand disposed of."

Being aggrieved by the order dated 11th January, 2023 the private respondents preferred appeals being MAT 960 of 2024 and MAT 961 of 2024. The said appeals were taken up by a Division Bench of this Court and by a judgment and order dated 22nd January, 2025, the Division Bench, inter alia, passed the following order:-

" *Materials produced on record including the plaint of Title Suit No. 1307 of 2021 will demonstrate that, Milap Roadways Private Limited is not a party to the Title Suit No.1307 of 2021. No record was produced before us to suggest that, there is any civil suit pending against Sachin Ahuja*

We dispose of the appeals by placing on record the aforesaid facts as noted in the proceeding paragraph, without no order as to costs."

The petitioners subsequently requested the private respondents to vacate the said premises for demolition and reconstruction of the building and for implementation of the order dated 20th May, 2022.

Mr. Piush Chaturvedi, learned senior advocate appearing for the K.M.C. handed over a case report dated 2nd November, 2026 issued by the Executive Engineer (Civil), Building, KMC, indicating the present status of the said premises, which is as follows:-

"*PRESENT STATUS: But the demolition process could not be started yet. Recently a portion of the said partly four and partly five storied old & dilapidated residential building has been collapsed. As the condition of the said building is too ruinous and the rest portion of the building may collapse at any moment causing injury to the occupants and public in general."*

Heard the learned counsel appearing for the parties including the private respondents.

Having considered the submissions by the respective parties and the materials on record, it appears that as on date there is no impediment to the implementation of the order dated 20th May, 2022 passed by the Deputy Chief Engineer (Civil), Building North, Kolkata, Municipal Corporation.

In view of the above, the instant writ petition stands disposed of directing the respondent Nos. 4 and

6 to extend adequate assistance to the petitioners for the purpose of implementing the order dated 20th May, 2022.

In view of the order passed in WPA 13124 of 2026, the writ petitions being W.P.A. 28821 of 2026 and W.P.A. 28249 of 2026 also stand disposed of.

(Arjun Ray Mukherjee, J.)