

15.05.2026
Sl. Nos 108 & 109.
Ct. No. 237
Suman

CPAN 1565 of 2025

Sri Debasis Chattopadhyay
Vs.
Smt. Aditi Satpati nee Chatterjee and Ors.

In
WPA 7831 of 2024

Sri Debasis Chattopadhyay

-vs-
The Kolkata Municipal Corporation and Ors.

With
CPAN 1566 of 2025

Sri Debasis Chattopadhyay
Vs.
Sri Prabir Dutta, The Executive Engineer, (C) Building

Mr. Somnath Roy
..for the petitioner

Ms. Riya Banerjee
..for the alleged contemnor no.1 in
CPAN 1565 of 2025

Ms. Manisha Nath
..for KMC in **CPAN 1566 of 2025**

Let the affidavits of service filed by the respective parties be kept on record.

When the writ petition was taken up for hearing on July 30, 2024, the Corporation placed a report before this Court stating that certain portions of the building in question were repairable, while the remaining portions were beyond repair. The petitioner, along with respondent nos. 6 and 9, who are co-owners of the said building, expressed their willingness to demolish the irreparable portions of the building and undertake the

necessary repair work at their own cost under the supervision of the Kolkata Municipal Corporation.

In view of the aforesaid, this Court disposed of the writ petition with the following directions:

- a) The Executive Engineer (Building), Borough-V, shall hold a joint meeting with the co-owners of the building and prepare a demolition sketch map. The Executive Engineer shall simultaneously issue a sanction plan to carry out the necessary repair work.
- b) Thereafter, under the supervision of an engineer duly appointed by the Corporation, the co-owners of the building shall carry out the demolition work on the part of the building that is beyond repair. Subsequently, the co-owners shall be permitted to carry out the repair work as sanctioned by respondent no.3 at their own cost.

Alleging violation of the said order dated July 30, 2024, two contempt applications have been filed.

It appears that, in compliance with the order dated July 30, 2024, a Structural Engineer of the Corporation inspected the premises in question. The Structural Engineer found that at least 70 per cent of the building was in a severely dilapidated condition, while the remaining 30 per cent was repairable.

However, the Structural Engineer opined that the entire building ought to be demolished and a fresh construction undertaken. The report further suggests that the demolition work should be carried out on a war footing, failing which there is every likelihood of collapse of the building, thereby endangering the lives of the occupants as well as passersby.

Based on the report of the Structural Engineer, the Corporation issued notice upon the parties to submit a plan for obtaining sanction. The report further indicates that no plan has yet been submitted before the Building Department in respect of the premises in question.

In my view, the order dated July 30, 2024 has been duly complied with by the Corporation. Upon receipt of the report of the Structural Engineer recommending demolition of the entire building, the Corporation rightly called upon the parties to submit a proposed plan for sanction of a new building.

Learned advocate appearing for the petitioner, however, submits that although the petitioner is willing to prepare a plan for the proposed building, the other co-owners are not cooperating with the petitioner in obtaining a sanctioned plan from the Corporation for construction of the new building.

Learned advocate appearing for the alleged contemnor no. 1, on the other hand, submits that since

the order dated July 30, 2024 has already been complied with by the Corporation, no further order is required to be passed in the present contempt applications. It is, however, submitted that the alleged contemnor no. 1 opposes demolition of the entire building.

In my considered view, there is no justification for keeping the present contempt applications pending. The report of the Corporation clearly indicates that the building is in a dilapidated and dangerous condition, posing a threat to the occupants as well as to the public at large, and that the entire structure requires immediate demolition. The Corporation shall be at liberty to take appropriate steps in accordance with law.

If the petitioner is aggrieved by any action or inaction of the Corporation, the petitioner shall be at liberty to institute a fresh writ petition before this Court.

It appears that **CPAN 1566 of 2025** was inadvertently omitted from the cause title of the order dated February 6, 2026.

The Department is directed to carry out the necessary correction in the cause title of the order dated February 6, 2026 by incorporating **CPAN 1566 of 2025** therein.

With the aforesaid observations, **CPAN 1565 of 2025** and **CPAN 1566 of 2025** stand disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)