

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE**

**BEFORE:
HON'BLE JUSTICE RAJA BASU CHOWDHURY**

WPO/79/2026

**MD. LIYAKAT ALI & ORS.
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.**

For the petitioner : Ms. Debjani Sengupta, Adv.
Mr. Rajib Mullick, Adv.
Ms. Mriganka Chowdhury, Adv.

For the respondents : Mr. Nilotpal Chatterjee, Adv.
Ms. Sima Chakraborty, Adv.

Heard on : 9th March, 2026

Judgment on : 9th March, 2026

RAJA BASU CHOWDHURY, J:

1. Challenging the notice issued by the municipal authorities dated 31st October, 2025 issued under Section 411 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as 'the said Act'), the instant writ petition has been filed.

2. Ms. Sengupta, the learned Advocate representing for the petitioner would submit that the petitioners are tenants and occupiers in respect of various shop rooms and/or residential flats of premises no.14/1, Syed Saleh lane, Kolkata – 700 007. By placing before this Court the order dated 27th November, 2025 passed by the Learned 12th Bench, City Civil Court in TS No.2677 of 2025 she would submit that though the petitioners are lawful occupier, since their lawful occupations was sought to be disturbed, the above suit was filed and in connection with the same an ad interim order of injunction has already been passed in favour of the petitioners thereby

restraining the defendants from dispossessing the petitioners from their respective shop room without following the due process of law. According to her, the above notice issued by the municipality may be a fall out of the above dispute and may have been engineered by the landlord. By referring to the impugned notice, she would submit that the same though requires the petitioners to demolish the endangered portions of the building immediately and to secure the rest of the existing building without changing the nature and character, the notice fails to identify the exact portion which is dangerous and the portion which requires repair. She would submit that the above notice is vague. According to her, such a vague notice cannot be proceeded with and in support of her contention, she has placed reliance on a judgment delivered by a coordinate Bench of this Court in the case of B. P. Properties Ltd. @ Dalmia Bharat Developers Ltd. Vs. Kolkata Municipal Corporation & Ors. reported in 2015 SCC Online Cal 1261.

3. Mr. Chatterjee, learned Advocate appears on behalf the municipality and has placed before this Court a report wherefrom it would transpire that the department had inspected the premises and has found a partly 3 storied dilapidated building standing thereon. Consequent upon the same, the department has issued the notice under Section 411(1) of the said Act on 12th November, 2025 declaring the building as a dangerous building with a further direction upon the occupiers to repair the damaged portions. In response to a query from the Court, he would submit that he has to take appropriate instructions so as to identify the exact portions which are dangerous and dilapidated as the notice does not specify the same.

4. Having heard the learned Advocates appearing for the respective parties and noting that in the instant case the municipality has failed to identify the exact portion which requires repair and the exact portion which is dangerous, I

am of the view that the aforesaid notice which is otherwise vague and lacking in particulars cannot be acted upon. This apart, there appears to be another issue. The petitioners apprehending dispossession had already filed a Title Suit wherein an interim order is subsisting. Having regard to the peculiar facts, I am of the view that the notice issued by the municipality under Section 411 dated 31st October, 2025 cannot be sustained and the same is quashed. The above finds support from the judgment delivered in the case of *B. P. Properties Ltd. @ Dalmia Bharat Developers Ltd. (supra)*.

5. The aforesaid order shall, however, not impinge upon the rights of the municipality to proceed in accordance with law and ensure compliance of statutory provisions and removal of dangerous building and/or portions thereof provided the steps taken by the municipality are made known to the occupiers of the concerned building.

6. The writ petition thus stands disposed of.

(RAJA BASU CHOWDHURY, J.)