

OD-02

WPO/457/2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

Tarique Hashmat
Versus
The Kolkata Municipal Corporation & Ors.

Before:

The Hon'ble Justice RAJA BASU CHOWDHURY

Date: 6th January 2026

Appearance:

Ms. Mohona Das, Advocate
for the petitioner

Mr. Sandipan Banerjee, Advocate
Mr. Gopal Ch. Das, Advocate
for the KMC

Mr. Indrajeet Dasgupta, Advocate
Mr. Gourab Maiti, Advocate
for the occupiers

Mr. Chittaranjan Ghosh, Advocate
for the State

The Court: 1. The present writ petition has been filed, inter alia, praying for a direction upon the municipal authorities to take steps for demolition or repair or securing a portion of the premises nos. 73A and 73B, Shakespeare Sarani, Kolkata – 700017 by exercising its powers conferred under the provision of Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as “the said Act”).

2. Initially the municipal authorities have filed a report. However, on 6th November 2025 this Court noting that the report was cryptic directed the municipal authorities to file another report by

carrying out a fresh inspection upon prior notice to the occupiers of the buildings, with a further direction that the report must indicate the portion which requires to be repaired and the extent thereof. Pursuant to the aforesaid, the municipal authorities have filed a fresh report today, which is taken on record.

3. Mr. Banerjee, learned advocate representing the municipal authorities has drawn attention of this Court to the above report and would submit that premises no.73A, Shakespeare Sarani is a five-storied building where the roof of second and fourth floor is partially damaged and cement concrete is peeled off. In so far as the premises no.73B, Shakespeare Sarani is concerned, a few cracks have been generated in the walls of the building which is four-storied. Portion of the first floor has been damaged as the cement concrete is peeling off. Considering the above condition of the building appropriate notice under section 411(1) of the said Act was earlier issued and served on the occupiers on 11th February 2025 to secure the portion of the building by adequate repairing. The name of the occupiers has already been identified in the aforesaid report. Particulars of the portions which have been damaged and may require immediate attention have also been notified.

4. Taking into consideration of the peculiar facts, I am of the view that the owners and occupiers of the said two buildings who are already on notice and some of whom have caused appearance must take appropriate steps to ensure compliance with the notice issued under section 411(1) of the said Act. If the owners fail to take adequate steps,

the occupiers shall be at liberty to approach the municipal authorities with a proposal to carry out the repairs at the cost of the owners. If such proposal is submitted with the municipal authorities, the municipal authorities shall consider the same and the repair works shall be undertaken by the occupiers under the provisions of the said Act.

5. It is made clear that in the event no steps are taken by the occupiers, the municipal authorities shall be at liberty to proceed further in the matter. Needless to mention, the repair works to be carried out by the occupiers shall be at the risk and cost of the owners. The parties including the petitioner shall cooperate with the municipal authorities for the purpose of carrying out the repair works as directed above.

The writ petition is accordingly disposed of.

(RAJA BASU CHOWDHURY, J.)