

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

WPO/606/2025  
IA No.GA/1/2026  
GA/2/2026

RITA ADHIKARI AND ANR.  
VS  
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE

THE HON'BLE JUSTICE RAJA BASU CHOWDHURY

Date: 12<sup>th</sup> May, 2026

Appearance

*Mrs. Manju Agarwal, Sr. Adv.*

*Ms. Anju Manot, Adv.*

*Ms. Anusua Das, Adv.*

*...for the petitioners*

*Mr. Sandipan Banerjee, Adv.*

*Mr. Atish Kumar Biswas, Adv.*

*..for the KMC*

*Mr. Souvik Sana, Adv.*

*....for the respondent nos.6 to 9*

*Mr. Saikat Chatterjee, Adv.*

*..for the applicant in GA/1/2026*

1. Praying, inter alia, for a direction upon the municipal authorities to grant sanction of a building plan in accordance with section 412(a)(iii) of the Kolkata Municipal Corporation Act 1980 read with Rule 142 of the Kolkata Municipal Corporation Building Rules, 2009 (hereinafter referred to the 'said Act' and 'Rules' respectively), the instant writ petition has been filed.
2. According to the learned Advocate for the petitioners, the municipality has already issued notices under sections 411(1) and 411(2) of the said Act and that the building standing at premises No.14, Ramanath Majumdar Street, Kolkata – 700009, (hereinafter referred to as the "said premises") is old and dilapidated, and the same is beyond repair. Unless appropriate steps are taken for development of the property, the inmates/occupiers of the said building would suffer immensely. It is still further submitted that individual agreements have been entered into between the petitioners who happen to be the owners of the

property in question, and the respective tenants and occupiers, occupying the said building. Respondent nos.6 to 9 is represented. Certain other occupiers of the premises have also approached this Court by filing an application which has been registered as 'GA/1/2026'.

3. According to the learned senior Advocate for the petitioners, the petitioners have also entered into agreements with the applicants in GA/1/2026. She submits that it has been agreed by and between the occupiers of the aforesaid premises and the petitioners that the occupants shall temporarily vacate the said premises for the petitioners to develop the property and once, the development is complete, the respective occupiers shall be rehabilitated in the newly constructed building.
4. The municipality has filed a report and from the report, it would transpire that the building is very old and dilapidated and is partly two-storied and partly three-storied residential building. It would also transpire that the municipality has served notices under sections 411(1) and 411(2) of the said Act.
5. The report filed by the municipality, however, does not disclose whether any application has been made for sanction of the building plan for development of the said premises. Be that as it may since the petitioners would submit that the entire issue between the petitioners and the occupiers including the applicants has been resolved, I am of the view, ordinarily there should not be any impediment on the part of the municipality in considering the petitioners' proposal for sanction of a building plan. However, this Court does not express any view in this regard. It shall be open to the municipality to test out the application filed by the petitioners on its own merit in accordance with law as and when the same is filed.
6. Though the petitioners seek immediate demolition of the building, I am of the view that without the sanction of the municipal authorities, the petitioners cannot proceed to demolish the same. Accordingly, no mandatory order can be

issued. It is always open to the petitioners to apply before the municipal authorities if so advised.

7. With the above observations, the writ petition stands disposed of.
8. Accordingly, the connected applications are also disposed of.
9. There shall be no order as to costs.

(RAJA BASU CHOWDHURY, J.)

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