OD–7

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/479/2026

BABULAL SONI TRUST AND ANR.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE :
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY
Date: 12th November, 2026

Appearance :
Mr. Subhasis Sengupta, Adv.
Mr. Rahul Singh, Adv.
….for petitioners
Mr. Biswajit Mukherjee, Adv.
Mr. Swapan Kumar Debnath, Adv.
Mr. Debanjan Mukherjee, Adv.
…for the KMC
Mr. K. C. Garg, Adv.
Ms. Sunita Agarwal, Adv.
..for the respondents 5 to 8

1. Affidavit of service filed in Court today is taken on record.
2. The present writ petition has been filed for a direction upon the respondent nos.1 to 4 to forthwith cause an inspection of the building standing at premises no.20, Maharshi Debendra Road, P.S. Posta, Kolkata – 700 007 through a structural engineer and/or competent officer of the KMC and to ascertain the exact nature and extent of the works presently being carried out thereat. The petitioners also insist for a direction upon the respondents to stop all construction activities at the site.
3. Mr. Mukherjee, learned advocate appearing for the municipality has filed a report dated 8th October, 2026 duly counter-signed by the Executive Engineer (Civil)/Bldg./Br-IV. From the aforesaid report, it appears that an inspection had been carried out in the above premises and it was found that there exists an old and dilapidated five storied commercial building. The municipal authorities served notice under Section 411(1) of the Kolkata Municipal Corporation Act, 1980

(hereinafter referred to as 'the said Act') dated 22nd June, 2026 to secure the building. The caution notice has also been put up by the municipal authorities.

4. On perusal of the said notices, it would transpire that notices are addressed to the owners as well as the occupiers of the said premises and the same required the owners and occupiers to demolish the endangered portions and to repair the building without changing the nature and character of the building.

5. The respondent nos.5 to 8 are represented. It is submitted that the respondent nos. 5 to 8 are tenants and are interested to carry out the repair works.

6. Mr. Sengupta, learned advocate appearing for the petitioners, would submit that there is no scope to carry out repairs in the building in question, and the same is required to be demolished. In support of his contention, he relies on an undated report prepared by a Chartered Engineer.

7. Having heard the learned advocates appearing for the respective parties and upon considering materials on record, I find that the municipal authorities while issuing notice under Section 411 of the said Act was of the view that though certain portions of the building have become dangerous and dilapidated, but the other portions can be repaired. Having regard thereto, I leave it open to both the petitioners and to the private respondents to approach the municipal authorities with their respective plan and programme to carry out the repair works, if the parties are so interested and the municipal authorities find that the plan and programme for repairing work to be feasible, appropriate permission shall be accorded by the municipal authorities to carry out such repairs/restoration work.

8. The writ petition is thus disposed of.

(RAJA BASU CHOWDHURY, J.)

akg/