

OD-01

WPO/867/2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

Sarada Prosad Chakraborty
Versus
Kolkata Municipal Corporation & Ors.

Before:

The Hon'ble Justice RAJA BASU CHOWDHURY

Date: 4th February 2026

Appearance:

Mr. Samrat Chowdhury, Advocate

Ms. Anusmita Das, Advocate

Ms. Paroma Sengupta, Advocate

Mr. Swadhin Pan, Advocate

for the petitioner

Mr. Alak Kr. Ghosh, Advocate

Mr. Swapan Kr. Debnath, Advocate

for the KMC

The Court: 1. The instant writ petition has been filed, inter alia, praying for striking out the entry recording of the petitioner's property being 85, Akhil Mistry Lane, Kolkata – 700 009 (hereinafter referred to as “the said property”) from the graded list of the heritage building maintained by the municipal authority.

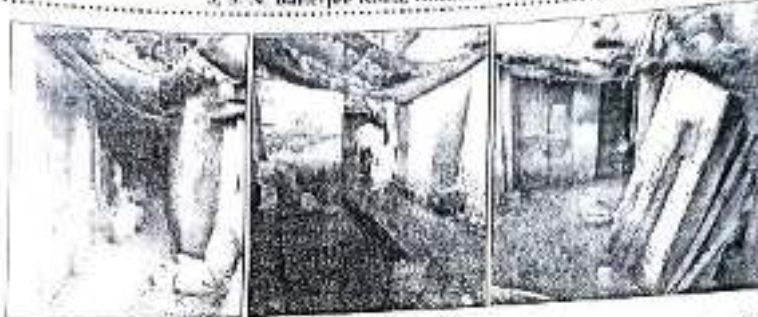
2. The petitioner claims to have acquired interest in respect of the said property by virtue of a deed of gift dated 14th March 1986 executed by Ranu Pada Nath as the donor in favour of the petitioner. Records would reveal that a partition had taken place between the aforesaid Ranu Pada Nath, Shiba Pada Nath, Ram Pada Nath and Sham Pado Nath of the first part and Anil Chandra Mullick of the second part and Probodh Chandra Nath, Paresh Chandra Nath, Santosh Kumar

Nath, Shyam Charan Nath, Shundar Nath and Chandra Kumar Nath of the third part whereunder the parties of the first part were granted the divided northern portion of the said premises more particularly described in the first schedule to the deed of gift.

3. In terms of the aforesaid deed of partition dated 16th August 1935 the donor alongwith three brothers namely parties of the first part became jointly and absolutely entitled to and seized and possessed of an undivided 4/10th share in the northern portion of the said property. It is on this said portion that two temples were exclusively set apart for ancestral Thakurs Sri Sri Kali, Sri Sri Shiva, Narayan and others therein installed. Although the deed of partition provided for daily sheba puja, there being no income of the deities, the donor had since executed the deed of gift in respect of the said property for the donee to look after the deities after the death of the donor. It is these two particular temples that have since been identified by the Heritage Conservation Committee as Grade – I heritage structure. The petitioner had applied for removal of the aforesaid temples from the gradation list maintained by the Heritage Conservation Committee. According to the petitioner, since a representation made by the petitioner was kept pending, the petitioner has approached this Court.

4. Mr. Ghosh, learned advocate representing the municipality has, however, placed before this Court the resolution adopted by the Heritage Conservation Committee in its meeting held on 29th July 2025. The relevant portion of such meeting is extracted hereinbelow:

Resolution of the Heritage Conservation Committee meeting held on 29/07/2025
at 11:30 AM in the Conference Room - I at
5, S. N. Banerjee Road, Kolkata - 700 017



Since the applicant is requested to remove the property 'Sa, Akali Mitra Lane' from the heritage list of KMC, where the Shiva & Kali Temple is located (as per records), the matter is placed before the Committee.

Resolution dated 29/07/2025

Owner of the property Sri Barada Prasad Chakraborty was present in the meeting and placed his views before the Committee members.

After hearing the matter, the Committee recommended to withhold the proposal for the time being and requested the owner to submit as built drawing showing position of temples, photographs showing all corners of the property, Chitrin Danda and historical background of the building.

The Committee members recommended that the Assessment Collection Department, KMC may verify the exact premises no. of the Shiva & Kali Temple.

Moreover, the Committee members requested the L&H Department to collect the ownership details and assessment records of the Shiva & Kali Temple from Assessment Collection Department, KMC. Committee members also requested the Assessment Collection Department to immediately take steps to ensure lock that permanent, since the property is surrounded with Grade-I Heritage Building.

Sri Sushendu Mantra
Sri Sushendu Mantra
Additional Director, KMDA
(Member)

Dr. Sanghamitra Basu
Dr. Sanghamitra Basu
Professor (Retired), Architect
(Member)

Sri B D Sharma, IAS (Retd.)
Sri B D Sharma, IAS (Retd.)
Artist
(Member)

Prof. Anandada Majumdar
Prof. Anandada Majumdar
Environmental
(Member)

Sri Rupendra Kumar Chattopadhyay
Sri Rupendra Kumar
Chattopadhyay, Historian
(Member)

Sri Nitish Chandra Basak
Sri Nitish Chandra Basak
Ch. V & S
(Member)

Dr. Himadri Guha
Dr. Himadri Guha
Structural Engineer
(Invited)

Sri Partha Pratim Saha
Sri Partha Pratim Saha
Additional CEO
(Invited)

Sri Partha Sarathi Samanta
Sri Partha Sarathi Samanta
DG (E&H)
(Convener)

Sri Dhanraj Jain, IAS
Sri Dhanraj Jain, IAS
Municipal Commissioner
(Chairman)

5. From the aforesaid, it would transpire that the petitioner was duly given opportunity of hearing. However, the committee had since recommended to withhold the proposal as suggested by the petitioner for the time being and had accordingly requested the petitioner to submit as built drawing showing position of temples, photographs showing four

corners of the property, the chain title deeds and the historical background of the building. The aforesaid was necessary for the committee to verify the exact premises and the location of the Shiva and Kali Temple (Jora Mandir).

6. It also transpires that the Heritage Conservation Committee has already dealt with the petitioner's representation and has called upon the petitioner to comply with the requisition as noted above. Records would also reveal that the above requisition was communicated to the petitioner by a cover letter dated 2nd December 2025. Having regard thereto, I am of the view that at this stage there is no scope of this Court to interfere in the matter. The petitioner shall be at liberty to respond to the same. In the event the petitioner files a response within a period of two weeks from date, the Heritage Conservation Committee shall be obliged to consider the petitioner's response in accordance with law.

7. With the above observation the writ petition is disposed of.

(RAJA BASU CHOWDHURY, J.)