

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/99/2025
IA NO:GA/1/2026
ARINDAM GHOSH
-VS-
KOLKATA MUNICIPAL CORPORATION AND OTHERS

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
And
The Hon'ble JUSTICE MD. SHABBAR RASHIDI
Date: 17.02.2026.

Mr. S. Banerjee, Adv.; Mr. S. Roy, Adv.; Mr. S. Patra, Adv., for appellant.
Mr. A.K. Ghosh, Adv.; Mr. D. Chakraborty, Adv., for KMC.
Mr. S. Bose, Adv.; Mr. P.B. Mullick, Adv.; Mr. S. Rout, Adv., for R-7&8.

1. The Court: The subject appeal is directed against the judgment and order dated November 7, 2025, passed by a Single Bench of this Court.
2. The short question for consideration before the Single Bench as also before this Court is as to whether the landlord is entitled to seek an amalgamation of an otherwise healthy premises with a dilapidated and dangerous premises in the teeth of a notice under section 412A of the KMC Act, 1980.
3. Admittedly, premises no.80 & 81, Bentinck Street, Kolkata, has been declared as a dangerous premises by the KMC sometime in the year 2019. The appellant-writ

petitioner claims to be a tenant and occupier of a portion of the said dangerous premises. Admittedly, the KMC has demolished most of the dangerous portions.

4. In the backdrop of repeated litigations between the appellant-tenant and the landlord, time has been granted by Benches of this Court and the KMC to the landlord-respondent to submit a scheme for restoration of the premises and rehabilitation of the tenants.
5. Sometime in November 2021, the landlord, with a view to maximize his interest and benefit from the property, sought amalgamation of a neighbouring property at no.1A, Grant Land, with premises no.80 & 81, Bentinck Street. Admittedly, premises no.1A, Grant Lane is a healthy building with several tenants. Such amalgamation was ordered and allowed by the KMC sometime on January 22, 2022. The two premises are now renumbered 80, Bentinck Street, Kolkata.
6. Pursuant to the amalgamation, a construction plan for demolition of the two old structures and for construction of a comprehensive new structure has been placed before the KMC. No objection certificates have been obtained from all concerned authorities except, however, the Archaeological Survey of India (ASI). The same is pending.
7. This Court is of the view that a proposal for amalgamation of two municipal premises under section 178 of the KMC Act cannot and does not militate against a proposed scheme under section 412A of the said Act.
8. It is in the backdrop of the above that the Single Bench was of the view that the writ petition filed by the appellant could not have been entertained by Court and was thus dismissed. This Court is in complete agreement with the view expressed by the Single Bench.

9. As already stated herein above, the landlords suffer for low income from tenancies granted in their premises and are unable to exploit their properties. It is equally true that lawful tenancies are required to be protected and one of the ways of doing so is under section 412A of the said Act where dilapidated buildings are neglected by landlords to the peril of the tenants.
10. A harmonious reading of section 178 with section 412A of the said Act is in the interest of the landlord as well as the tenants.
11. In the light of the above, this Court is of the view that the landlord and the KMC must take urgent and expeditious steps to construct a fresh premises at the said amalgamated new 80, Bentinck Street, Kolkata, since premises no.1A, Grant Lane, has been merged into it. Needless to mention, the interest of all tenants must be secured and accommodated in the newly constructed building.
12. It is in the interest of the tenants and the occupants of the old premises that they cooperate with the landlord to ensure that a new premises comes up expeditiously.
13. Mr. Banerjee has prayed for specifying a timeframe within which the landlord would construct the premises and restore the extent occupied by the erstwhile tenants in the new building. It is difficult for this Court to stipulate the same. However, the private respondent-landlord shall make sincere efforts to obtain expeditious clearances from all authorities.
14. In the event, however, construction of the new premises does not start within 18 months, it would be open to the appellant and other tenants and occupiers to seek remedies in accordance with law against the landlord.

15. With the aforesaid observations, APO/99/2025 along with the connected application stands disposed of. There will be no order as to costs.

(RAJASEKHAR MANTHA, J.)

(MD. SHABBAR RASHIDI, J.)

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