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

WPO/482/2026

AKBAR HOSSAIN AND ORS.
VS
THE MUNICIPAL COMMISSIONER AND ADMINISTRATOR,
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY
Date: 14th October, 2026

Appearance
Mr. Rachit Lakhmani, Adv.
Mr. Shubham Gupta, Adv.
Mr. Piyush Kumar, Adv.
Mr. Arnab Dutta, Adv.
...for the petitioners
Mr. Biswajit Mukherjee, Adv.
Mr. Debanjan Mukherjee, Adv.
Ms. Gulnaz Quraishi, Adv.
...for the KMC

1. Affidavit of service filed in Court today is kept on record.

2. The writ petition has been filed praying inter alia for a direction upon the respondent authorities to desist from carrying out any further demolition work at the premises no.4, James Hickey Sarani, Kolkata – 700 069.

3. Mr. Lakhmani, learned advocate appearing for the petitioners by drawing attention of this Court to page 41 of the writ petition would submit that a notice under Section 411(1) of the Kolkata Municipal Corporation Act, 1980 has been issued whereby the owners and occupiers had been directed to demolish the dangerous portions immediately and to carry out the repair works under supervision of empanelled structural engineer of the municipality without changing nature and character of existing structure. The petitioners are interested to carry out the repair works.

4. Mr. Mukherjee, learned advocate appearing for the municipality would submit that the municipality has taken steps to protect the life and property of residents of the portions of the property which has become dilapidated and as such it is necessary to remove residents from the building.

5. Having heard the learned advocates appearing for the respective parties and noting from the photographs which has been annexed to the writ petition and the materials on record that the building is standing in an extremely precarious condition, I am of the view that the municipal authorities must take an immediate action for carrying out the demolition work of the dilapidated portion. However, the municipal authorities should not unnecessarily demolish the portion which may be repaired to such extent the same can be retained/repaired, and if the petitioners seeking permission for repair, the municipality may consider the same in accordance with law.

6. Since no other issue survives, the writ petition is, thus, disposed of.

(RAJA BASU CHOWDHURY, J.)

akg/