

Item No.1
18.06.2026
Court. No. 12
GB

FMA 993 of 2026
With
CAN 1 of 2026

Debrani Dhal & Ors.
Vs.
Kolkata Municipal Corporation & Ors.

*Mr. Sakya Sen, Sr. Adv.,
Mr. Avirup Chatterjee,
Mr. Sumitava Chakraborty,
Mr. Rishov Das*

...for the Appellants.

*Mr. Alak Kumar Ghosh, Sr. Adv.,
Mr. Swapan Kumar Debnath*

...for the KMC.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The appeal arises out of an order dated June 16, 2026, passed in WPA 13251 of 2026. We are in agreement with His Lordship on the issue that the appellants did not have any remedy before the writ court. His Lordship recorded that, as the appellants were interested to prefer a statutory appeal, no further order need be passed.
3. Mr. Sen, learned senior advocate for the appellants submits that they are merely tenants who have been rehabilitated in the building at different floors, upon completion of the construction. The tenants have a right of possession and should have been heard before the demolition order was passed.
4. Mr. Ghosh, learned senior advocate for the corporation submits that the tenants do not have a right of audience. They do not have the right to

prefer an appeal. They are not persons responsible for the construction and the Kolkata Municipal Corporation Act, 1980 requires the corporation to hear the person at whose instance the unauthorized construction had been made.

5. Mr. Ghosh also submits that the 3rd, 4th and 5th floor are palpably illegal as no sanction had been granted by the corporation for construction of those floors. If the tenants are residing in those floors, they do not have a right to ask for regularization of those floors. If the tenants have any grievance, they should proceed either against the owner or the developer of the property.
6. We are not inclined to express anything on the issues raised by Mr. Ghosh, in view of the fact that, such issues can also be adjudicated by the tribunal, upon hearing the parties. The right of the appellants to maintain an appeal as tenants and not as persons responsible for the unauthorized construction, will be decided by the tribunal when this point is raised by the corporation.
7. Under such circumstances, in order to give a breather to the appellants, who wish to move the tribunal, we direct the corporation to stay its hands for a period of one month. If within the aforesaid period no protective order is passed in favour of the appellants, the corporation may proceed according to law.

8. Accordingly, the appeal and the application are disposed of.
9. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)