

OD-09

WPO/372/2025  
IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

M/s. Benud Behari Dutt

Versus

Kolkata Municipal Corporation & Ors.

Before:

The Hon'ble Justice RAJA BASU CHOWDHURY

Date: 1<sup>st</sup> October 2026

Appearance:

Mr. Sakya Sen, Sr. Advocate  
Mr. Gaurav Purkayasta, Advocate  
Mr. Aditya Chakraborty, Advocate  
Mr. Satrajit Sen, Advocate  
for the petitioner

Mr. Gopal Chandra Das, Advocate  
Ms. Ananya Das, Advocate  
for the KMC

Mr. Mayuri Jaiswal, Advocate  
for respondent nos.7, 8, 9, 14 & 15

Mr. Murari Chakraborty, Advocate  
Mr. Mahesh Kr. Shaw Advocate  
Mr. Santosh Kr. Pandey, Advocate  
for respondent nos.10 & 11

Ms. Susmita Adhikary, Advocate  
for respondent no.16

1. Supplementary affidavit filed by the petitioner is taken on record.
2. Mr. Sen, learned advocate appearing for the petitioner would submit on instruction that the area which are under the occupation of the respective tenants is more or less agreed between the private parties having regard to the joint inspection carried out by the parties. He

would submit that the petitioner is ready and willing to rehabilitate the respective occupants upon development of the said property in the newly constructed building to the extent of the area under their occupation. He would submit that the petitioner likes to come back with an affidavit for identifying the approximate time the petitioner would require for completing the construction and for making over possession to the respective occupants after sanction of the plan. He would also submit that the occupants shall be entitled to abatement of rent for the period they shall be out of possession from their respective portions. Once, the occupants are reinducted/rehabilitated, the occupants shall be required to make payment of rent as per the revised rates in accordance with law.

3. The respondent nos.10 and 11 are represented in Court and would submit that they have already entered into an agreement with the petitioner. A copy of the agreement dated 25<sup>th</sup> September 2026 as placed before this Court is taken on record.
4. In so far as the respondent nos.7, 8, 9, 14 and 15 are concerned, Ms. Jaiswal, learned advocate representing such respondents would submit that her clients are also ready and willing to temporarily vacate the portions under their occupation so that the redevelopment can take place. The above respondents are only anxious with regard to the rehabilitation, in their respective portions.

5. Ms. Adhikary, learned advocate appearing for the respondent no.16 would submit that the said respondent is also ready and willing to temporarily vacate the portion for the purpose of redevelopment.
6. In the light of the aforesaid development, I am of the view that the matter should stand over and appear under the same heading on 8<sup>th</sup> October 2026, for Mr. Sen to place before this Court the undertaking in the form of affidavit expressing its readiness and willingness to comply with the terms as noted hereinabove.

(RAJA BASU CHOWDHURY, J.)

R. Bose