

OD- 4

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

WPO/536/2025

M/S. RUBBER EQUIPMENT AND ENGINEERING COMPANY PVT. LTD.
VS
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY
Date: 17th November, 2025

Appearance:
Mr. Riju Ghosh, Adv.
Ms. Ipsita Ghosh, Adv.
....for the petitioner
Mr. Alak Kumar Ghosh, Adv.
Mr. Gopal Chandra Das, Adv.
....for the KMC
Mr. Ranjan Kumar Ray., Adv.
Mr. Ranjit Ray, Adv.
.....for the respondent nos.6 & 7

1. The instant writ petition has been filed, inter alia, praying for a direction upon the municipal authorities to implement order dated 12th September, 2022 which declares as follows:-

“The existing building is to be demolished by the owner of the Premises No. 4, Garstin Place, Ward 045 at his own cost and risk under the supervision of an Empanelled Structural Engineer of KMC to avoid any accidental hazards. During demolition, all precautionary measures are to be taken by the owner of the said premises to avoid any accidental hazards to the neighbouring premises and public in general.

The owner of the captioned premises is directed to give proper rehabilitation to the tenants/occupiers of Premises No. 4, Garstin Place; Ward 045; Borough - V and to provide equivalent spaces to all the tenants/occupiers after construction of new building at Premises No. 4, Garstin Place, Ward 045,

AND WHEREAS the owners are hereby offered an option for reconstruction of the building in accordance with the plan to be sanctioned by the Kolkata Municipal Corporation as expeditiously as possible by providing floor area to accommodate to erstwhile tenants/occupiers and additional floor required for recovery of expenses for construction;

NOW the owners are, THEREFORE, requested to submit a proposed plan for reconstruction within 60 (sixty) days under Section 412A of the Kolkata Municipal Corporation Act, 1980 failing which an option shall be given to the others including the tenants/occupiers of the said building to undertake construction thereat with the direction to provide the correspondence portion of land occupied in the same portion by the land owners or failing which the Kolkata Municipal Corporation shall proceed in terms of law.

The construction work is to be completed within the stipulated period as per plan, to be sanctioned by the Kolkata Municipal Corporation.

In the event of disagreement or disinclination on part of owner or owners, as the case may be to avail of the opportunity contemplated under clause (iii) of Section 412A of the KMC Act, 1980, the owner or owners, as the case may be, keeping the building in dilapidated condition which may likely cause the environment pollution, fire hazards, unsafe to public safety, health hazards, nuisance etc. shall be subject to such action as provided in the law for the time being in force.

Subject to the provisions of Section 412A of the KMC Act, 1980, the Kolkata Municipal Corporation may cause development work in respect of the dilapidated buildings in such transparent manner and on such conditions, as may be prescribed by Scheme, by the Kolkata Municipal Corporation.

With the above order the matter is disposed of.

Let a copy of this order be communicated to all the parties.”

2. Previously, a writ petition was filed before this Court, which was registered as WPO/1397/2023 for implementation of the above order. By order dated 28th August, 2023, a coordinate Bench of this Court refused to pass any mandatory direction having regard to the submission made by the private respondents being the owners of the premises in question that they have entered into talks with developers for demolition/reconstruction of the condemned building situated at 4, Garstin Place, Ward No.45, Borough – V. However, an appeal appears to have been filed from such order. By an order dated 14th December, 2023, the Division Bench noting the submissions made by the parties was, inter alia, pleased to grant one last opportunity i.e. a month's time to the private respondents to act in terms of the order dated 12th September, 2022. It was made clear that if the building in question is not demolished by the private respondents within a month from that date, Kolkata Municipal Corporation shall take necessary steps including demolishing the said building at the cost of the private respondents to avoid any untoward incident.

3. The petitioner would complain that despite the above direction, no steps have been taken by the municipal authorities.
4. Mr. Ghosh, learned Advocate representing the Kolkata Municipal Corporation would pray for an accommodation to file a report in this regard.
5. Accordingly, the matter stands adjourned and appear under the same heading on 27th November, 2025.

(RAJA BASU CHOWDHURY, J.)

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