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29.05.2026
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Ct.2.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12203 of 2026

RUBY TASLIM & ORS.
VS
KOLKATA MUNICIPAL CORPORATION & ORS.

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate,
Mr. Fidous Samim,
Ms. Gopa Biswas,
Mr. Husanuz Zaman Molla,
Mr. Ayush Majumder,
Mr. Rajonik Dutta,

... For the petitioners.

Mr. Nilotpal Chatterjee
Ms. Tanushree Dasgupta
... For Kolkata Municipal Corporation.

1. The present writ petition has been preferred being aggrieved by the notice dated 23rd May, 2026 wherein the petitioner, admittedly, being the tenants of the premises are aggrieved by the direction of immediate demolition of the alleged unauthorized construction. The petitioner submit that no opportunity of hearing or producing any supporting documents has been provided prior to giving such direction for immediate demolition.

2. Learned counsel appearing for the State as also for the Kolkata Municipal Corporation submit that the writ petition is not maintainable and the petitioner herein are not entitled to any relief as prayed for.

3. It is further submitted by the learned counsel for the Kolkata Municipal Corporation that it is the premises owner who is being served with the notice. It is not possible for the authorities to serve each and every persons aggrieved with such notice.

4. It appears that the copy of the notice is being pasted on the respective premises, which is stated to have unauthorized constructions and the demolition of the same is directed within a short period.

5. It appears from the impugned notice that the owner of the premises has been directed to appear before the Special Officer (Building) for a hearing in respect of the direction in the said notice. The owner is not before the Court in the present writ petition but the tenant who is in occupation of the building has on seeing the notice of the said proceedings, has approached this Court for urgent relief considering that she resides in the premises.

6. Mr. Bhattacharya, learned senior advocate representing the petitioner submits that the petitioner are ready and willing to join the hearing but he challenges the authority to issue the impugned notice since the same has not been issued by following the mandatory provisions of the Act and the basis of the said notice and its validity is the actual issue in the present case.

7. On hearing the parties and considering the serious issue raised in the present writ petition, this Court is of the view that an opportunity is to be provided to all the occupants of the premises along with the owner

of the premises, who it is presumed shall be in possession of all the supporting papers/documents in respect of the said construction.

8. It further appears that the regular Bench in WPA 11256 of 2026 in an order dated 15th May, 2026 considering a similar issue has directed as follows:-

*“Be that as it may, since the municipal authorities have issued notices under Section 400(1) and 412(2) of the said Act, ordinarily, no demolition programme can take place contrary to the provisions of the law. At the same time, I must also note that having regard to the judgment delivered in the case of **M.C. Mehta (Calcutta Tanneries’ Matter)** (supra), though the petitioners possesses factory licence, the petitioners cannot under any circumstances be permitted to run the tannery especially having regard to the mandate issued by the Hon’ble Supreme Court. The licence issued by the State to the extent the same runs counter to the directives of the Hon’ble Supreme Court, cannot authorize continuation of any business from the said premises. This apart, the petitioners have also not disclosed any other documents to substantiate that any business were being run from the said premises. No authorization from the Pollution Control Board, fire authorities and other statutory authorities have been disclosed.*

Having regard thereto, and noting the incident of fire and the unfortunate death of two workers engaged by the petitioners, it is only appropriate that no business is permitted to be run from the said premises for the time being till further orders of this Court.

This order shall not stand in the way of the municipal authorities from taking appropriate action under the provisions of the said Act. This order also does not authorize or give authority to any individual to continue with any illegal construction or business contrary to the provisions of law.

This order shall however, not impinge upon the rights of the State to take appropriate action in accordance with law, if so advised.

Leave is granted to the petitioners to file a supplementary affidavit disclosing additional facts and supporting documents. The petitioners are also directed to disclose the title deed, sanction plan and/or statutory licence, authorising the petitioners to run the business from the said premises.

Considering the prima facie case made out, there shall be an order of status quo. The petitioners are also restrained from making any improvement and/or restoring the building to its original position. It is also made clear if any portions of the building have already become dangerous, the municipal authorities in consultation with the petitioners shall remove such dangerous portion however, barring the same no further demolition shall take place without leave of this Court”.

9. Considering the fact that the present case is slightly different from the above case, in view of the fact that in the present case, no demolition has taken place till date, it prima facie appears that a decision for demolition to be carried out has been passed within a very short notice period.

10. Considering these facts and also considering that such an issue is *sub judice* before the regular Bench, keeping in parity with the order dated 15th May, 2026 passed in WPA 11256 of 2026, it is directed that an order of status quo shall be maintained in respect of the premises with a further direction if any portion of the building have already become dangerous, the municipal

authorities in consultation with the petitioner shall remove such dangerous portion, however, barring the same no further demolition shall take place without leave of the Court.

11. The matter be placed before the regular Bench.

12. The point of maintainability as raised by the learned counsel for the State is kept open.

13. The parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Shampa Dutt (Paul), J.)