

04.11.2022

Sl. 8

Ct.No. 3

Amalranjan

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 2128 of 2014

**Ganesh Chandra Patra
Vs
Mrs. Krishna Chakraborty & Ors.**

**With
CPAN 1003 of 2019**

Mr. S. S. Bhuturia
Mr. Sounak Mukherjee
...for the petitioner
Mr. Tirthankar Dey
Mr. Arka Kumar Nag
...for the alleged contemnors
Mr. Rupayan Deb
...for the private respondents

This contempt application arises out of an order of this court dated 6th March, 2014 directing Rajarhat Gopalpur Municipality to initiate proceedings for demolition of the subject building passed in the Writ application WPA 2128 of 2014.

On 8th December, 2019, this court recorded part compliance of the said order dated 6th March, 2014 by the Bidhannagar Municipal Corporation taking a decision to demolish the building noting that actual demolition had not been carried out and that it should be carried out.

In the meantime, the writ petitioner in WP 2128(W) 2014 filed a writ application (WPA

6780 of 2022) for implementation of the orders of this court dated 6th March, 2014 read with the order dated 8th February, 2019.

That application was allowed by this court on 11th July, 2022. Against that order, the owner of the building, the private respondents in the said writ preferred an appeal in the Division Bench of this court (MAT 1077 of 2022).

Meanwhile, the demolition order was substantively challenged by the said private respondents in a writ application WP 15950 (W) of 2022, which is pending in this court.

The Division Bench by an order dated 15th July, 2022 dismissed the said appeal (MAT 1077 of 2022). This order was challenged by filing an SLP before the Supreme Court, which was disposed of on 3rd August, 2022, simply noting the pendency of the writ application WP 15950 (W) of 2022 in this court and directing the department to list it before the appropriate Bench.

It appears from the records of this proceeding that the failure on the part of the alleged contemnors to carry out the demolition order passed by this court was before the Supreme Court. Yet without initiating any action against the alleged contemnors the

Supreme Court simply ruled that the said writ application challenging the demolition order was pending before this court and that it should be heard out expeditiously. More importance has been given to the out come of the writ challenging the demolition order. When the Supreme Court as evident from its said order placed before us was desirous of disposal of the writ application, in my opinion, it would not be proper to exercise this Court's power in its contempt jurisdiction.

Hence, this contempt application is disposed of by the above observations, without initiating any proceedings, but granting liberty to the petitioner to take steps as may be available to them in law including a fresh contempt application on the self same cause of action after disposal of the writ petition WP 15950 (W) of 2022.

(I. P. Mukerji,J.)