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02.05.2024
d.p.

**In The High Court At Calcutta
Special Civil Jurisdiction
Appellate Side**

**C.P.A.N. 419 of 2023
in
W.P.A. 8778 of 2022**

**Promode Chandra Paul
-versus
Mr. Arun Kumar Ghosh**

**Mr. Mrinal Kanti Ghosh,
Mr. Chandra Nath Sarkar.
...For the Petitioner.**

**Mr. Srijan Nayak,
Ms. Rituparna Maitra,
Ms. Manisha Nath.
...For the Contemnor.**

The petitioner submits that the report filed by the engineers of the Corporation are such that contempt is evident therefrom.

The petitioner primarily prays for cancellation of the sanctioned plan issued in favour of the private respondent allegedly upon practicing fraud and misrepresentation.

The petitioner refers to the deed of gift, which according to the petitioner, was executed by practicing fraud. Plan has been sanctioned relying upon the said deed.

The Court is of the opinion that for adjudicating fraud, the petitioner ought to approach the competent Court for relief. After the allegation of fraud is accepted

by the Court, then the petitioner may approach the Corporation for passing consequent order.

At this stage, it will not be possible for the Corporation to adjudicate the issue of fraud that has been played by the private respondent at the time of execution of the deed of gift.

In view of the above, there is no further issue to be decided in the contempt application. The same stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)