

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Gaurang Kanth

***MAT 808 of 2024
(CAN 1 of 2024)***

Soumitra Mukherjee

-Vs-

Howrah Municipal Corpn. & Ors.

For the Appellant : Mr. Devagyoti Barman, Adv.,
Ms. Sanjukta Basu Mallick, Adv.,
Mr. Debanjan Khan, Adv.

**For the Respondent
No.8.** : Mr. Tanmoy Mukherjee, Adv.,
Mr. Souvik Das, Adv.,
Mr. K. R. Ahmed, Adv.,
Mr. Rudranil Das, Adv.,
Mr. Soumava Santra, Adv.,
Mr. Tapas Chatterjee, Adv.

**For the Howrah
Municipal Corporation :** Mr. Sandipan Banerjee, Adv.,
Mr. Ankit Sureka, Adv.

**For the Added
Respondent** : Mr. Dyutiman Banerjee, Adv.,
Mr. Vishal Mallick, Adv.

Heard on : 25.09.2024

Judgment on : 25.09.2024

Joymalya Bagchi, J. :-

1. Appellant has assailed the order dated 15.04.2024 whereby, inter alia, his wife was directed to submit affidavit disclosing her assets.
2. At the outset, we asked the learned Advocate how the appeal is maintainable at the behest of the appellant to the extent his wife was directed to submit affidavit disclosing assets. He is unable to reply to the said query.
3. Accordingly, we hold that the appeal is not maintainable at the behest of the appellant with regard to the direction upon his wife to file affidavit disclosing her assets.
4. With regard to other direction viz., appellant to file further affidavit disclosing other constructions raised earlier and constructions which are presently undertaken by him, we are of the opinion the said direction cannot be said to be alien to the nature of the proceeding.
5. Earlier Hon'ble Single Judge had directed the appellant to file affidavit disclosing his assets in order to secure the interest of the flat owners to whom flats were sold in the unauthorized construction.
6. To assess the genuineness of the affidavit of assets filed by the appellant, Hon'ble Judge gave further direction to disclose earlier constructions and present constructions undertaken by him presumably to determine the value of business of the appellant.

7. Hon'ble Judge also noted inspite of an injunction restraining the appellant from transferring flats in the unauthorized building in question he had sought to circumvent the order by executing a deed of gift in favour of his wife who in turn sold a flat in the said premises to a third party.
8. In this backdrop, Hon'ble Judge was constrained to direct the appellant's wife to submit her affidavit of assets and enjoined the appellant, his wife and the firm viz., "M/s. Jay Maa Tara Construction" from making any further transfers.
9. We do not find any illegality in the said order.
10. Accordingly, appeal is dismissed.
11. Consequently, connected application is also dismissed.
12. There shall be no order as to costs.
13. Photostat certified copy of this judgment, if applied for, be given to the parties on compliance of all formalities.

I agree.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

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