

10.12.2024
Sl.No.28
Ct. No.15
S.A.

WPA 16394 of 2023

Subir Karati

-vs-

The Howrah Municipal Corporation & Ors.

Mr. Tapan Kumar Rakshit

Mr. Surajit Roy

...for the petitioner

Mr. Sandipan Banerjee

Mr. Ankit Sureka

Ms. Shetparna Roy

...for Howrah Municipal Corporation

Mr. Tanmoy Mukherjee

Mr. Souvik Das

Mr. K. R. Ahmed

Mr. Rudranil Das

Mr. Soumava Santra

Mr. Tapas Chatterjee

...for respondent no.8

At the instance of the petitioner, a demolition order was passed on September 20, 2019, in W.P. 8376(W) of 2019 by a Co-ordinate Bench of this Court against respondent nos. 7 and 8. The order was subsequently affirmed in MAT 1560 of 2019. The petitioner then filed a contempt application (CPAN 1385 of 2019), alleging non-compliance with this Court's order.

The contempt application was ultimately disposed of by a Co-ordinate Bench of this Court with the following order:

“On a perusal of the affidavit-of-compliance that has been filed by the Howrah Municipal Corporation, the Court is satisfied that the order of this Court has been complied with by the Howrah Municipal Corporation to the extent possible. Any further demolition may

cause harm and damage to the nearby buildings where the area is extremely congested.

In view of the above, there is no requirement to proceed with the contempt application any further.

It will be open for the petitioner to approach the appropriate forum for further relief, if so advised.

The contempt application stands disposed of.

Exception to the affidavit-of-compliance filed by the petitioner in Court today is taken on record.”

The learned advocate for respondent no. 8 submits that the order dated September 15, 2022, records compliance with the order of September 20, 2019. Therefore, there is no basis for passing any further order in this writ petition.

On the other hand, the learned advocate for the petitioner submits that the order dated September 15, 2022, grants the petitioner the liberty to approach the appropriate forum for further relief. Consequently, the petitioner argues that this writ petition, which seeks the implementation of the order dated September 20, 2019, affirmed by the Division Bench, is maintainable.

I am unable to accept the petitioner's contention. Since a Co-ordinate Bench, in its contempt jurisdiction, was satisfied with the compliance of the order dated September 20, 2019, the petitioner cannot seek further relief or pray for the

implementation of the said order through this writ petition.

Accordingly, **WPA 16394 of 2023** is dismissed.

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

(Kausik Chanda, J.)