

**06.08.2025**  
**Court No.13**  
**Item No. 16**  
**sp**

**MAT 689 of 2025**  
**With**  
**CAN 1 of 2025**  
**With**  
**CAN 2 of 2025**  
Soumitra Ghosal and Anr.  
Vs.

The State of West Bengal and Ors.

Mr. Debasish Banerjee,  
Mr. Vijay Verma.

..For the appellants.

Mr. Sandipan Banerjee  
Mr. Ankit Sureka

... For the Howrah Municipal Corporation.

Mr. Amitava Pain.

... For the Respondent Nos.6 to 9.

1. The appeal is directed against order dated 20<sup>th</sup> February, 2025 passed by a Single Bench of this Court in contempt proceeding of the Single Bench's Court's order dated 18<sup>th</sup> October, 2023.

2. It is submitted that in contempt jurisdiction, the Single Bench has traveled outside the scope of the parent order dated 18<sup>th</sup> October, 2023. According to the learned counsel for the appellant, the demolition of walls of the unauthorized construction above the G+1 sanction structure, were not mentioned in the original order. The directions for demolition of the walls in the contempt proceeding is a step outside the scope of the principal order of which contempt is alleged.

3. This Court finds that argument of the learned counsel for the appellant utterly ridiculous. Admittedly, the

appellant unauthorizedly has constructed a room over the G +1 sanction structure. The entire room is, therefore, unauthorized. Making holes on the roof of the room, does not construe complete demolition of the unauthorized structure as directed in the order dated 18<sup>th</sup> October, 2023. The Howrah Municipal Corporation appears to be rather indulgent towards the appellant which is unexpected of it. A statutory body is bound to comply with the order of the Court in letter and spirit.

4. This Court, therefore, does not find any infirmity with the order dated 20<sup>th</sup> February, 2025. The HMC will carry out the same in letter and spirit and file appropriate report before the Single Bench in the contempt proceeding. Any effect of demolition of the unauthorized room on the main structure, cannot stand in the way of HMC. Such a situation is the appellant's own creation.

5. With the aforesaid directions, MAT 689 of 2025 shall stand disposed of.

6. Consequently, all connected applications, if any, shall also stand disposed of.

7. There shall be no order as to costs.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**

**(Ajay Kumar Gupta, J.)**