

08. 16.05.2025
Court No.37
(Tanmoy)

CPAN/1016/2024
SMT. SUNANDA MANNA AND ANR.
VS
SRI PRANAB DAS, THE CHAIRMAN,
DIAMOND HARBOUR MUNICIPALITY

Arising out of
FMA/260/2023

Mr. Mrinal Kanti Ghosh
...for the petitioners.

Mr. Shyama Prasad Purkait
...for the alleged contemnor.

Dictated by Arijit Banerjee, J.

1. This contempt application was filed alleging violation of a judgment and order dated January 18, 2024, passed by this Bench, whereby FMA/260/2023 (*Raju Manna v. Smt. Sunanda Manna & Ors.*) was disposed of. The operative portion of the said order reads as follows:-

“We need not enter into the disputes between the parties. We have already noted that a representation/objection made by the respondents/writ petitioners in respect of the alleged illegal construction made by the private respondents in the writ petition is pending consideration at the end of the Municipality. The Municipality is directed to dispose of such objection/representation by a reasoned order, in accordance with law and the applicable Rules and Regulations, within a period of eight weeks from the date of communication of this order by the writ petitioners to the Board of Councillors of the Municipality, after giving opportunity of hearing to all concerned parties including the parties to the writ petition. A copy of the objection/representation be sent to the Board of Councillors along

with a copy of this order. The decision taken by the Board of Councillors shall be intimated to the parties within a week from the date of the decision. If the Board of Councillors of the Municipality finds that any illegal construction has been made by the appellant herein or the private respondents in the writ petition, the Municipality shall deal with the same in accordance with law...”

2. The respondents in the appeal have filed this contempt application alleging violation of that order.

3. Today, it is submitted before us that the said order has been partly complied with. The Board of Councillors of Diamond Harbour Municipality has passed a reasoned order holding that both the appellant in FMA 260 of 2023 (Raju Manna) and the present petitioners have made illegal constructions which require demolition. The appellant in FMA 260 of 2023 has preferred a statutory appeal under Section 218 of the West Bengal Municipal Act, 1993.

4. In the aforesaid factual scenario, we do not see any reason to keep this contempt petition pending. We request the Appellate Authority to dispose of the statutory appeal being Case no.1 of 2025, pending before the learned Civil Judge (Junior Division), 2nd Court at Diamond Harbour, South 24-Parganas, filed by Raju Manna, as expeditiously as possible and preferably within four months from the date of communication of this order by the present petitioners to the Appellate Authority.

5. We further clarify that in the event the appeal fails, the Municipality will be duty-bound to remove the illegal constructions made by Raju Manna. The Municipality shall also take steps for demolition of the illegal constructions made by the present petitioners, in accordance with law.

6. In view of the aforesaid, CPAN/1016/2024 stands disposed of.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)