

IN THE HIGH COURT AT CALCUTTA

SPECIAL CIVIL JURISDICTION
(Appellate Side)

CPAN 823 OF 2017

In

W.P.A. 22996 OF 2016

ILA BISWAS & OTHERS

VS.

**MR. SANTOSH KUMAR BAIDY, S/O SATISH BAIDYA,
THE PRODHAN, SHIMULPUR GRAM PANCHAYAT,
NORTH 24 PARGANAS & OTHERS**

Mr. Bhagbat Chowdhury, Adv.

Mr. Subrata Mukherjee, Adv.

...for the Applicants

Mr. Omar Faruk Gazi, Adv.

Mr. Saikat Samanta, Adv.

...for the Alleged Contemnors

1. Contempt application is heard in presence of the learned advocates representing the applicants and the alleged contemnors.
2. Learned advocate representing the applicants submits that order dated 10th April, 2017 passed by a Co-ordinate Bench on the connected writ petition is violated by not demolishing portion of the building in question which was constructed beyond the sanctioned plan.
3. It is further submitted on behalf of the applicants that steps were taken by the concerned Panchayat authority to find out nature of the alleged construction in terms of the order dated 10th April, 2017 and an enquiry report was submitted dated 3rd February, 2018 wherein it is indicated that while

making construction deviations were made and construction was not made in consonance with the sanctioned plan.

4. Based on this enquiry report dated 3rd February, 2018, it is submitted on behalf of the applicants that in spite of pointing out unauthorized construction in the building in question, constructions were not demolished in terms of the order dated 10th April, 2017.
5. However, such submission is disputed by the learned advocate representing the alleged contemnors based on decision taken by the Pradhan, Shimulpur Gram Panchayat, North 24 Parganas dated 22th July, 2025 which is annexed to the compliance report affirmed on 10th September, 2025.
6. It is submitted on behalf of the alleged contemnors that no further steps are required to be taken in terms of the said decision dated 22nd July, 2025 taking note of the directions as contained in the order dated 10th April, 2017 passed on the connected writ petition.
7. On perusal of the decision dated 22nd July, 2025, it transpires concerned Pradhan made a finding that no legal or procedural ground exists to cancel,

modify or interfere with the sanctioned plan. Since nothing is pointed out in the decision dated 22nd July, 2025 relating to unauthorized construction in the building in question, demolition of unauthorized construction which according to the applicant is required to be carried out ought not to be directed while deciding this contempt application.

8. A decision was taken in terms of the order dated 10th April, 2017 and if applicant is aggrieved by such decision, necessary steps are required to be taken, in accordance with law, but validity of such decision need not be examined in this contempt proceeding.
9. Moreover, *vide* order dated 10th April, 2017 concerned Pradhan was granted liberty to take steps, in accordance with law, in the event construction is made beyond the sanctioned plan and while granting liberty to the concerned Pradhan no time was fixed after decision is taken by the Pradhan in terms of the order dated 10th April, 2017.
10. Court finds in view of decision taken on 22nd July, 2025 by the concerned Pradhan order dated 10th April, 2017 is complied with.
11. Hence, contempt application stands disposed of and contempt proceeding stands dropped.

12. However, this order shall not preclude the applicants to take steps, in accordance with law, if grievance of the applicants is not redressed.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)