

04-12-2025
Item no.192
Subrata
Bhattacharyya
AR(C)

In the High Court at Calcutta
Special Civil Jurisdiction
Appellate Side

CPAN No.1201 of 2024
Siddheswar Sarkar
-vs-
Asutosh Biswas & Anr.
arising out of
WPA No.23479 of 2023

Mr. Siddheswar Sarkar ... the petitioner (in person)

Mr. Aman Gupta, adv. ...for the municipality

1. It has been brought to the notice of the Court that the order dated January 16, 2024 from which the contempt has arisen was carried in appeal and that the same stood modified by the Hon'ble Division Bench on September 9, 2024 in FMA No.480 of 2024 with CAN No.1 of 2024 (Ashit Kumar Mita & Anr. – vs- South Dum Dum Municipality & Ors.).
2. The Hon'ble Division Bench in its order directed the South Dum Dum Municipality to consider the documents and give an opportunity of hearing to the appellants, the private respondents in the writ, and to pass a reasoned order as to whether the deviations are required to be demolished or may be treated as minor and regularized.
3. In compliance of the said order, the municipality passed a reasoned order on November 19, 2024 whereby the deviations of the western side of the building at holding/premises no.38/3, M.C. Garden Road, ward-14 has been regularized.
4. The petitioner is aggrieved by the same.

5. The Court is of the opinion that the legality and correctness of the reasoned order dated November 19, 2024 cannot be adjudicated by this Bench sitting in contempt jurisdiction.
6. In view of the above, the contempt application is disposed of with the observation that it will be open for the petitioner to challenge the reasoned order before the competent forum in accordance with law, if so advised.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]