

13.08.2025.
Item No. 14.
Court No. 13
pk

M.A.T. No. 1276 of 2025
CAN 1 of 2025
CAN 2 of 2025

Archana Patra and another
Versus
Sandhya Bhattacharyya and another

Mr. Alak Kumar Ghosh,
Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Mrs. Jyoti Agarwal

... for the appellants.

Mr. Abhishek Halder,
Ms. Madhurima Basu

... for the respondent no. 1.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh

... for the respondent no. 2.

1. The instant appeal is directed against order dated 10th July, 2025 passed by the Single Bench of this Court in CPAN 603 of 2025.
2. It is submitted by Mr. Ghosh, learned advocate for the appellants that the said order passed in an application alleging contempt of an earlier order dated 5th September, 2022 by which the writ petition was disposed of.
3. Mr. Ghosh, learned advocate for the appellants seeks leave to file the appeal. His client was not a party to the writ petition and not even a contemnor. It is submitted that his client has purchased a portion of the property and is therefore bonafide purchaser for value. The order passed in contempt proceeding severely prejudices their right to occupy the said premises.

4. Opposing the prayers of the proposed appellants, Mr. Abhishek Halder, the learned advocate for the respondent no. 1, would argue that the appellants do not have locus either in general law or under the West Bengal Municipal Act to be aggrieved or challenged the order dated 10.07.2025.
5. It is submitted by the learned advocate for the Bally Municipality that since the mutation has not occurred in favour of the appellants and the appellants claim to have purchased, the appellants need not have been heard by the Municipality at all as directed by the Single Bench in the parent order dated 5th September, 2022.
6. Mr. Ghosh, however, submits that his clients obtained an order of civil court against the order of demolition in T. S. No. 1725 of 2024 passed by the learned Civil Judge (Junior Division), First Court at Howrah.
7. Mr. Halder would further argue that challenge the notice of proposed demolition, the appellants did not have cause of action to approach the Civil Court, civil remedies even otherwise barred by reason of Section 208 of the West Bengal Municipal Act, 1993.
8. This Court is of the view that these are arguments that are required to be advanced before the Single Bench.

9. Permitting the parties to agitate the same before this Court would deprive them of a forum.
10. In those circumstances, leave is granted to the appellants to file the instant appeal. Without prejudice to the rights and contentions of the writ petitioners or any other parties to the proceeding, the appellants are added as party respondents to the contempt application.
11. The appellant may take out any other proceedings before the Single Bench in aid of his contentions.
12. It is made absolutely clear that this Court has not interfered with any of the orders passed by the Single Bench. The Single Bench may proceed to decide the application filed by the parties in accordance with law and uninfluenced any observations made herein above.
13. The Bally Municipality shall not proceed with the demolition for the period of ten days from date.
14. With the aforesaid observations, the instant appeal is disposed of. Consequently, connected pending applications, if any, are also disposed of.
15. 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.)