

28.07.2025
Court No.13
Item Nos. 8 & 9
sp

MAT 1673 of 2024
With
CAN 2 of 2025
Sachin Kr. Santra & Ors.
Vs.
The HMC & Ors.

With
MAT 432 of 2025
With
CAN 1 of 2025
Sachin Kr. Santra & Ors.
Vs.
Subhas Chandra Banerjee & Ors.

Mr. Biswaroop Bhattacharya,
Mr. Sumitava Chakraborty,
Mr. Snehasish Dey.

..for the appellants.

Mr. Kallol Basu,
Mr. Debjit Mukherjee,
Mr. Samik Sarkar.

..For the writ petitioners/respondents.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka.

.... For the Howrah Municipal Corporation.

Re: MAT 1673 of 2024

1. The matter has been listed for extension of interim order. It is also listed on the prayer that the respondents have not used affidavit-in-opposition despite directions on 19th May, 2025 by a Co-ordinate Bench.

2. The appeal is directed against a judgment and order dated 27th June, 2024 passed by a Single Bench of this Court in WPA 10777 of 2022. By reason of the impugned order, the Commissioner of the Howrah Municipal Corporation was directed to initiate a proceeding under

Section 177 of the Howrah Municipal Act against the respondent nos. 9 to 11, who are the appellants herein.

3. The Single Bench *prima facie* found unauthorized construction over the original sanction plan granting ground plus one storied structure, regularization whereof was done by the HMC upon payment of retention fees. Admittedly, the regularization occurred sometime in the year 2003.

4. Based on the above directions of the Single Bench, the Commissioner of the HMC has passed an order dated 11th March, 2025, rejecting the prayer of the appellants. The appellants duly participated in the said proceeding and were heard in *extensio* by the Commissioner. The Commissioner appears to have dealt with all the questions and issues raised by the appellants.

5. It is submitted by learned counsel for the Howrah Municipal Corporation that the appellants have filed another writ petition challenging the order of the Commissioner dated 11th March, 2025 (*supra*).

6. In view of the above, this Court is of the view that the instant appeal has become infructuous. Accordingly, MAT 1673 of 2024 is disposed of without any order.

7. The appellants may pursue their remedies in the new writ petition challenging the order of the Commissioner.

8. Consequent to the above, MAT 432 of 2025 is also disposed of leaving the propriety of continuation of the contempt proceeding to the wisdom of the Single Bench.

9. The Single Bench dealing with CPAN 1988 of 2024 shall have due regard to the observations of the Supreme court in the case of ***Midnapore Peoples' Cooperative Bank Limited and others Vs. Chunilal Nanda and others*** reported in ***(2006) 5 SCC 399***.

10. In view of the above, all connected applications, if any, shall also stand disposed of.

11. There shall be no order as to costs.

12. 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.)