

18.03.2025
Item No. 487.
Court No.29.
AB

**M.A.T. 1747 of 2024
With
CAN 1 of 2024**

**Smt. Minati Mondal & Others
Vs
Biplab Mondal & Others**

Mr. Mukteswar Maity,
Ms. Manika Sarkarfor the Appellants.

Mr. Sirsanya Bandopadhyay,
Mr. Tirthankar Dey,
Mr. Arka Kumar Nagfor the BMC.

Dictated by Arijit Banerjee, J.

1. This appeal is directed against an order dated August 22, 2024, passed in CPAN 1285 of 2023 by a learned Judge of this Court. The order reads as follows:

“The unauthorised construction is yet to be demolished. Time to self-demolish the unauthorised construction is also over.

Learned advocate representing the Corporation submits, upon oral instruction, that the Corporation shall take steps for demolishing the same.

Accordingly, the contempt application stands adjourned till 7th November, 2024.

An affidavit of compliance showing demolition shall be filed on the adjourned date.”

2. We do not see how an appeal lies against this order, at least under Section 19 of the Contempt of Courts Act, 1971. An appeal under that provision of law lies as a matter of right from any order or decision passed in the exercise of the High Court’s jurisdiction to punish for contempt.

The order sought to be impugned in this appeal does not qualify as such an order.

3. At this stage, learned Advocate for the appellants seeks leave to withdraw this appeal.
4. The appeal is, accordingly, dismissed as withdrawn along with the connected application.
5. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)