

25.03.2025

Ct.No. 24
Sl.No. 8
Amalranjan

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE

CPAN 1946 of 2024
With
WPA 26476 of 2024

Karunamoyee Samanta
VS
Dr. Sujay Chakraborty and ors.

Mr. Jayanta Samanta
Mr. Dip Jyoti Chakraborty
Mr. Rajdeep Adhikary
...for the petitioner
Mr. Sandipan Banerjee
Mr. Ankit Sureka
...for the Howrah Municipal Corporation/
Contemnors

1. Learned counsel appearing on behalf of the alleged contemnors submits that in terms of the directions of this court, the concerned authority i.e., the Howrah Municipal Corporation has completed works for reconstruction of western side boundary wall of Andul Road Kabaristhan (Graveyard), situated at 163, Andul Road, Howrah within the Ward No. 39.

2. Mr. Jayanta Samanta, learned counsel for the petitioner submits that the alleged contemnors have completed the boundary wall, but the construction of the drainage system appurtenance to the boundary wall has not been completed. He further submits that if

the drainage system has not done properly, the same situation will appear again for which the boundary wall will be demolished.

3. Having heard the learned counsel for the parties also considering the submission of Mr. Samanta it appears that in the order dated 28th October, 2024, this court directed the concerned authority to take appropriate steps by making boundary wall in terms of the prayer “b” of the writ petition, which reads as follows:-

“b) A Writ in the nature of Mandamus and/or like nature commanding the respondent Howrah Municipal Corporation to immediately take necessary steps to reconstruct the Western side wall of the Andul Road Kabaristhan (Graveyard) situated at 163, Andul Road, Howrah, PIN-711103, on war footing”.

4. Mr. Samanta also submits that direction was there to reconstruct the boundary wall on war footing basis. But the concerned authority has constructed the boundary wall in a slipshod manner not in war footing basis. He further submits that the instant contempt application may be adjourned till the completion of construction of drainage system appurtenance to the boundary wall.

5. Having heard the learned counsel for the parties it is made clear that the concerned authority i.e. the Howrah Municipal Corporation has already constructed the boundary wall. So the direction of this court has been properly complied with.
6. However, I make it clear that there was a direction to construct the boundary wall on war footing, but it was not done so promptly. The authority concerned should be vigil to carry out the order of this court in its true letter and spirit in future.
7. Under the above observations, the instant contempt application is disposed of.
8. Rule issued, if any, be hereby recalled.
9. The grievances of the petitioner pertaining to the allegations regarding construction of drainage system appurtenance to the boundary wall in a future event which may be raised before the concerned authority on which they will take appropriate steps according to the law as far as practicable.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)