

JPG 04
18.09.2025
AGM

**In The High Court At Calcutta
CIRCUIT BENCH AT JALPAIGURI
Appellate Side
(From the Principal Bench)**

**CPAN No. 66 of 2024
Dawa Lepcha
-Vs-
Dipen Thakuri & Anr.
Arising out of
W.P.A No. 2078 of 2024**

**Mr. Debasish Banerjee.
Mr. Kartik Kumar Roy.
Mr. Rakesh Jana.
... For the petitioner.**

**Mr. Billawadal Bhattacharya. Sr. Adv.
Ms. Sagnika Banerjee.
Ms. Sharmistha Basak.
... for the Contemnor no. 1.**

1. Learned advocate for the petitioner submits that in the affidavit in opposition the Municipality has disclosed certain documents to show that the construction is being made in accordance with the sanctioned plan issued by the competent authority.

2. The petitioner is aggrieved by the same and submits that the stand of the Municipality at the time of hearing of the writ petition was completely different. In the contempt, new documents have been disclosed before the Court.

3. Learned advocate representing the Municipality submits that the construction is being made strictly in accordance with the plan sanctioned. An issue with regard to the maintainability of the contempt application has also been raised.

4. Without going into the issue of maintainability of the contempt, as it appears that the petitioner is aggrieved by the grant of sanction for raising construction, accordingly, the contempt application cannot be proceeded further.

5. The grievance of the petitioner can only be redressed in a separate proceeding.

6. In view of the above, the contempt application stands disposed of.

7. It will be open for the petitioner to challenge the action of the Municipality in sanctioning plan for raising construction, if so advised.

8. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)