

OD-1

ORDER SHEET

CC No. 56 of 2025
IA NO: GA/1/2025
GA/2/2025
ARISING OUT OF
WPO No.193 of 2024
IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction [Contempt]
ORIGINAL SIDE

ABARNA DUTTA & ANR.
VERSUS
DHAVAL JAIN & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 11th August, 2025.

Appearance:
Mr. Rupak Ghosh, Adv.
Mr. Jayanta Sengupta, Adv.
Mr. Ayan Mitra, Adv.
...for Petitioners.

Mr. Biswaroop Bhattacharya, Adv.
Mr. Ayan Kumar Boral, Adv.
...for Applicant in
GA/1/2025.

Mr. Oishik Chatterjee, Adv.
...for Applicant in
GA/2/2025.

Mr. Gurudas Mitra, Adv.
Ms. Manisha Nath, Adv.
...for KMC.

Mr. Sakya Sen, Sr. Adv.
Mr. Dwijadas Chakraborty, Adv.
...for Debutter Estate.

Re:- GA/1/2025 & GA/2/2025

1. Both the applications have been filed seeking intervention in the contempt proceeding. The applicants allege that if the Court interferes with the order that has been passed by the Special Officer (building), then the rights of the applicants will be infringed.
2. Learned advocate representing the contemnors submits that the Executive Engineer dealt with the matter and forwarded the same to the Special Officer (building) allegedly in compliance of the direction passed by the Court.

3. On the last occasion the Court framed an issue as to whether the applicants have a right of audience in the contempt proceeding.
4. Judgment delivered by this Court in the matter of **Tandon Brothers Vs. Rajesh Pandey & Anr.** reported in **2008 SCC OnLine Cal 10 : (2008) 2 CHN** took note of the order passed by the Hon'ble Division Bench of this Court in **Nalini Ranjan Das Vs. Anup Singh**, reported in **1990 (2) CLJ 190**, which clearly laid down that the applicants do not have any right of participation in the contempt proceeding. The Contempt of Courts Act, 1971 and the Rules framed by this Court do not provide for intervention by third parties. The provisions of the Code of Civil Procedure as to addition of parties do not arise in the contempt matter which is entirely between the Court and the contemnors.
5. In view of such authoritative pronouncements, the Court is convinced that no opportunity of hearing can be given to the applicants in the contempt proceeding. The applications for addition of party accordingly fail and stand dismissed.

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6. Perused the report filed by the Executive Engineer, Building Department, Borough-II.
7. It appears that the Executive Engineer has forwarded the entire file to the Special Officer (Building) to deal with the unauthorized construction. The Special Officer (Building) has passed an order on 16th April, 2025. The petitioner is aggrieved by the same.

8. The Court is of the opinion that the petitioner ought to approach the competent forum challenging the said order to test its validity.
9. It does not appear that there has been any wilful or intentional violation of the order passed by this Court.
10. In view of the above, the contempt petition stands disposed of.
11. It will be open for the petitioner to approach the competent forum for appropriate relief, if so advised.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)