

OD-1

CC/91/2025
Arising out of
APO/17/2025
WPO/909/2024

IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction (Contempt)
ORIGINAL SIDE

SMT. NEELANJANA ROY

-VERSUS -

SHRI DHAVAL JAIN AND ORS.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE SMITA DAS DE
Date : 11th July, 2025.

Appearance :
Mr. Alak Kumar Ghosh, Adv.
Mr. Aurin Chakraborty, Adv.
Mr. Sanjay Chattopadhyay, Adv.
Ms. Neha Gupta, Adv.
...for the appellant.

Mr. Gurudas Mitra, Adv.
Ms. Manisha Nath, Adv.
...for the alleged contemnor.

The Court :- The report submitted on behalf of the alleged contemnor filed in Court be taken on record.

The appellant complains of violation of the order dated March 20, 2025 passed in APO/17/2025 with WPO/909/2024, IA No.GA/1/2025.

Learned advocate appearing for the petitioner submits that, although the direction was on the Special Officer (Building) to dispose of the proceedings under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 in accordance with law after affording a reasonable opportunity of hearing to the private parties, the Special Officer (Building) did not take any steps. He

submits that, the appellant was not heard by the Special Officer (Building). The appellant is not aware of the stage of the proceedings, if at all Special Officer (Building) initiated one.

Learned advocate appearing for the alleged contemnor submits that, the Special Officer (Building) passed an order dated April 24, 2025. In his usual fairness he, however, submits that the Special Officer (Building) did not hear the appellant.

Learned advocate appearing for the appellant submits that, action of the Special Officer (Building) in not hearing the appellant sounds in contempt of the order dated March 20, 2025 which required the Special Officer (Building) to hear all the private parties.

The relevant operative portion of the order dated March 20, 2025, violation of which is complained of in this proceeding, is as follows:

“Special Officer (Building) will proceed to dispose of the proceedings under Section 400(1) of the Act, 1980 in accordance with law after affording a reasonable opportunity of hearing to the private parties before us. Special Officer (Building) is at liberty to hear such other parties and consult such documents as it deem appropriate. It is expected that the proceedings under Section 400(1) of the Act, 1980 is concluded as expeditiously as possible and preferably within six weeks from date.

No doubt, Special Officer (Building) will pass a reasoned order which will be communicated to the parties forthwith thereafter.”

The report filed in Court demonstrates that the Special Officer (Building) passed an order dated April 24, 2025. However, the Special Officer (Building) did not hear the appellant before us prior to passing his order.

Technically, the Special Officer (Building) did not adhere to our order dated March 20, 2025 strictly by not hearing the appellant before us. However, the Special Officer (Building) passed an order dated April 24, 2025 purporting to act in terms of our order dated March 20, 2025.

Since the Special Officer (Building) passed an order dated April 24, 2025 in the proceedings under Section 400(1) of the Act, 1980, we are not minded to invoke our jurisdiction under Article 215 of the Constitution of India or under the provisions of Contempt of Courts Act, 1981. We, however, clarify that the issues raised by the appellant that the appellant was not heard prior to the order dated April 24, 2025 being passed by the Special Officer (Building) as also with regard to legality, validity and sufficiency of such order are kept open to be adjudicated and canvassed before the appropriate forum.

CC/91/2025 is disposed of accordingly without any order as to costs.

(DEBANGSU BASAK, J.)

(SMITA DAS DE, J.)