

04. 17.04.2026
Court No.8
(Tanmoy)

CPAN/581/2024
AVIJIT SUR
VS
KASTURI CHOWDHURY, THE CHAIRPERSON
SOUTH DUM DUM MUNICIPALITY

Arising out of
FMA/873/2017

Mr. Sabyasachi Mukherjee, Adv.
Mr. Ranabeer Halder, Adv.

...for the petitioner.

Ms. Mousumi Bhowal, Adv.
Mr. Aman Gupta, Adv.
Mr. Ishan Bhattacharya, Adv.

...for the respondent/
South Dum Dum
Municipality/alleged contemnor.

Dictated by Arijit Banerjee, J.

1. Supplementary affidavit filed in Court today on behalf of the petitioner be kept with the records.
2. From the supplementary affidavit we see that the Board of Councillors of South Dum Dum Municipality has passed a reasoned order dated January 30, 2026, whereby both the petitioner herein and one Ranjit Kumar Sur, who was the private respondent in the writ petition, have been directed to cause demolition of the building in question, said to have been constructed unauthorizedly.
3. Learned Advocate for the petitioner says that the order is completely arbitrary and illegal. Mr.

Ranjit Kumar Sur was not present at the hearing. The concerned file was in the custody of Ranjit Kumar Sur. The same could not be produced before the Board of Councillors. Hence, the order of the Board of Councillors should be set aside.

4. The prayer of the petitioner cannot be granted on this contempt application. The scope of a contempt application is very limited. In a contempt application all that the Court sees is whether or not the order in question has been complied with or has been violated and if so, if the violation is willful.

5. In the present case, we see that the order in question has been complied with by the Board of Councillors of South Dum Dum Municipality, although belatedly. We accept the apology tendered on behalf of the alleged contemnor for belated compliance of Court's order. However, since the order has been complied with, we close the contempt proceeding. We do not find any willful violation of the concerned order on the part of the alleged contemnor.

6. This will not prevent the petitioner from challenging the order of the Board of Councillors dated January 30, 2026, before the appropriate forum, in accordance with law, if he is so advised.

7. CPAN/581/2024 stands disposed of.

8. Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)