

27
07.04.2026
S.D.
Ct. No. 37
Bench Id
266046

CPAN 1285 of 2025

Binoy Majumder
Vs.
Abul Kalam Azad Islam
Commissioner of Durgapur Municipal
Corporation and Ors.
in
FMA 769 of 2025

Mr. Saheb Banerjee
....For the petitioner
Mr. Joyddip Kar, Sr. Adv.,
Mr. Sandipan Banerjee
Ms. Utsa Dutta
Ms. Priyanka Sen
...For the Durgapur Municipal
Corporation

Petitioner complains of violation of the judgment and order dated May 14, 2025 passed in FMA 769 of 2025 with CAN 1 of 2025, CAN 2 of 2025.

The relevant part of the judgment and order dated May 14, 2025 is as follows:-

“30. As on date, therefore, there is an order of a Division Bench binding the parties with regard to unauthorized construction. Such order is dated April 29, 2024 passed in MAT 782 of 2024.

33. Respondent nos. 5, 6, and 7 will, therefore, proceed to implement the order dated April 29, 2024 passed in MAT 782 of 2024, if not implemented till date, forthwith.”

Coordinate Bench passed an order dated April 29, 2024 in M.A.T. 782 of 2024 affirming the judgment and order dated April 10, 2024 passed in W.P.A. 9212 of 2024.

The order dated April 10, 2024 passed in W.P.A. 9212 of 2024 affirmed the order of the Commissioner of Durgapur Municipal Corporation dated January 18, 2024.

Order dated January 18, 2024 of the Commissioner of Durgapur Municipal Corporation directed as under:-

“Under the above stated facts and circumstances and as per the drawing submitted by the petitioner vide Plan No.: CB/35/21 and CB/36/21 of single storied ware house/Storeroom and garages it is found that the constructions were made without having adequate mandatory open space at per West Bengal Municipal Building Rules 2007 (Amended), Clause no- 50(2).”

There is no dispute that the demolition as directed by the Commissioner of Durgapur Municipal Corporation as contained in the order dated January 18, 2024 stands concluded.

Contention of the petitioner is that six instances of unauthorized constructions were pointed in their initial complains to the municipal authorities. A portion of such unauthorized constructions were not demolished.

Parties are bound by the orders as noted above. In contempt jurisdiction, we are not minded to expand or enlarge the scope of the order contempt of which is complained of before us.

In such circumstances, we do not find any merit in the contempt petition.

CPAN 1285 of 2025 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)