

12.06.2026.
Subadip
Sl. No. 49
Ct. No.652.

**CPAN 1842 of 2024
arising out of
WPA 14587 of 2024**

**M/s Marcandy Prasad Radha Krishna
Prasad Pvt. Ltd.
Vs.
Howrah Municipal Corporation & Ors.**

Mr. Soumava Mukherjee,
Mr. Subhajit Seth,
Ms. Titwika Ghosh
.....for the petitioner.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka.
....for Howrah Municipal Corporation

This is an application for contempt moved by the applicant/writ petitioner alleging willful and deliberate violation of the Court's order dated 28th May, 2024 passed in WPA 14587 of 2024.

The Court disposed of the writ petition with the following directions:

- (i) The Commissioner, Howrah Municipal Corporation or any delegate thereof shall consider the petitioner's representation on May 7, 2024.
- (ii) In doing so, the Commissioner or the delegate thereof shall afford opportunity of hearing to the writ petitioner and any other person as he deems fit and proper.

- (iii) The entire exercise as above shall be completed within a period of eight weeks from the date of this order.
- (iv) The writ petitioner shall communicate this order along with a copy of the representation to concerned authority, for the authority to decide on the same.

Mr. Banerjee, learned Advocate for the alleged contemnor has come up with the report of compliance which is submitted in Court, the same is taken on record. On the basis of the same, he submits further that as per direction of the Court, the contempt applicant has been afforded opportunity of hearing and the alleged contemnor has passed a reasoned order dated 26.02.2026, after hearing the applicant.

Mr. Mukherjee, learned Advocate for the contempt applicant is, however, not agreeable to the contentions of the alleged contemnor in the said compliance report. According to him, the compliance is a sham one, in so far as the alleged contemnor has directed for demolition of the unauthorized portion without ensuring such demolition of unauthorized portion within a time bound manner. He submits that by dint of the said order dated 16th February, 2024 the alleged contemnor had actually not intended to or complied with the Court's order and also put up

a camouflage of compliance, at very belated stage.

It could not be disputed that the alleged contemnor has acted beyond the time specified by the Court for compliance of the order. Be that as it may, so far as the procedure of hearing granted to the writ petitioner and the order passed by the alleged contemnor are concerned, these can be found with no flaws. In such view of the fact, the Court is of considered opinion the alleged contemnor has made substantive complaint with the order of the Court as mentioned above.

In case the petitioner has some discontent with the said order passed by the alleged contemnor, this Court can hardly exercise any jurisdiction, sitting in contempt jurisdiction of the Court. In such view of the matter it is found proper to dispose of the CPAN 1842 of 2024, in view of the compliance report submitted by the alleged contemnor in Court.

Hence, the contempt application being CPAN 1842 of 2024 is disposed of.

(Rai Chattopadhyay, J.)