

09.01.2026.
Item No. 4.
Court No. 13
pk

MAT No. 2148 of 2025
Smt. Minati Mondal and others
Versus
Biplab Mondal & Ors.

Mr. Kamalesh Bhattacharya,
Mr. M. Maity,
Mr. M. Poddar

...For the appellants.

Ms. Ananya Mondal,
Ms. Manishka Dhar

...For the private respondent.

Mr. Sirsanya Bandyopadhyay,
Mr. Tirthankar Dey,
Mr. A. K. Nag

... For the B. M. C.

Re: CAN 1 of 2025

1. Affidavit of service filed in Court is taken on record.
2. Sufficient grounds are available to explain the delay in filing the instant appeal. Hence, the delay is condoned.
3. Accordingly, CAN 1 of 2025 is allowed and disposed of.

Re: MAT 2148 of 2025

1. The appeal is directed against an order dated 22.08.2024 and subsequent orders until 18th September, 2025 passed by the Single Bench of this Court in CPAN 1285 of 2023.
2. It is argued by Mr. Kamalesh Bhattacharya, learned counsel for the appellants that the Single Bench in contempt jurisdiction has exceeded and travelled outside the scope of the original order dated 03.04.2023.

3. Admittedly, there was unauthorized construction on the premises of the appellants. The writ petition filed by the private respondent alleging unauthorized construction by the appellants was disposed of directing the Bidhannagar Municipal Corporation (BMC) to prepare sketch map of the unauthorized construction to enable the appellants/private respondent to effect self demolition of unauthorized portions.

4. Upon failure of the appellants to effect complete demolition of the unauthorized portion as indicated by sketch map issued by the BMC, a contempt application was filed. The appellants were arrayed as alleged contemnors.

5. The Single Bench based on the report of the BMC found that the appellants had not demolished the entire unauthorized construction despite giving an undertaking to the Commissioner of the Corporation (BMC) that they have done so.

6. The Single Bench directed the BMC to effect demolition in terms of the West Bengal Municipal Corporation Act, 2006.

7. Since the demolition by the Municipal Corporation in terms of the aforesaid Act, 2006 is a consequential step upon failure of the person liable (appellants) to effect complete demolition of the unauthorized portion, this Court is of the view that the Single Bench has not travelled outside the scope of the

main writ petition and its order while directing the BMC to effect demolition.

8. Counsel for the appellants argues that in the process of demolition of unauthorized construction, certain portions of the authorized construction are also being affected. This Court is of the view that the BMC cannot be held liable for the same if an unauthorized construction is effected in a manner that it becomes so integrated with the authorized construction as per the sanctioned plan. The finding of the Single Bench in the original order that the appellants would be liable for such damage and not the BMC, cannot be faulted and calls for no interference.

9. In view of the above, this Court does not find that the Single Bench has travelled outside the scope of the main writ petition and its final order in its contempt jurisdiction. The instant appeal fails and is hereby dismissed. Consequently, connected pending application is also dismissed.

10. There shall be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)

