

02.05.2025
Item No.06
Court No.37.
S. De

C.P.A.N. No. 121 of 2024
In
MAT 204 of 2023
Omprakash Jaiswal.
Vs
Howrah Municipal Corporation & Ors.

Mr. Prasenjit Barman,
Mr. Swapnesh Mallik, ...for the petitioner.

Mr. Sandipan Banerjee,
Mr. Ankit Surekha, ...for the HMC.

Mr. Tirtharaj Ghoshal,
Mr. Gour Baran Sau,
...for the alleged contemnor no.4.

Dictated by Arijit Banerjee, J.

1. Leave is granted to learned advocate-on-record to implead the new incumbent in the post of Commissioner, Howrah Municipal Corporation as a party respondent to the contempt petition. Since Mr. Banerjee, learned advocate says that he will represent the new Commissioner, no fresh service need be effected.
2. This contempt application has been taken out alleging willful violation of a judgment and order dated May 10, 2023, whereby MAT 204 of 2023 (Dharmendra Shaw Vs. Omprakash Jaiswal & Ors.) was disposed of by this Bench by refusing to interfere with the order dated January 19, 2023,

impugned in that appeal. The operative portion of the order dated May 10, 2023, reads as follows :

“In the facts and circumstances aforesaid, we do not interfere with the order under appeal excepting that we grant one month’s time to the appellant to shift the present occupants to other accommodation so that the unauthorized structure can be demolished immediately. Such shifting shall be completed by June 15, 2023. The appellant shall immediately thereafter cause demolition of the building in question and in any event by the end of June, 2023. In default, the Corporation shall demolish the building in question forthwith and shall be at liberty to recover the costs thereof from the appellant. The other directions in the order under appeal are affirmed and shall be in full force.”

3. Learned advocate for the petitioner says that the order has still not been complied with.
4. All the parties are represented.
5. Let affidavits be exchanged.
6. Let affidavit-in-opposition be filed by June 10, 2025. Reply, if any thereto, be filed within a week thereafter (June 17, 2025).

7. List the Matter once again after June 17, 2025, whenever this Bench is again available.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)