

06.05.2026
Item No.40
Ct. No. 30
Aloke

**WPA 7563 of 2026
with
CPAN 604 of 2026**

**Ajay Makharia & Ors.
Vs.
Bidhan Upadhyay & Ors.**

Mr. Vivekananda Bose
Mr. Ratikanta Pal

... for the petitioners

1. The contempt application has been preferred alleging violation of this Court's order dated 07.04.2026, wherein this Court had directed the respondent/Municipal Corporation to serve copy of the inspection report on the basis of which a demolition order dated 9th September, 2025 was passed.
2. It is submitted by the learned counsel for the petitioner that the respondent/Corporation has now served an inspection report dated 22.04.2026 and has passed a further demolition order dated 30.04.2026.
3. It appears that after the order dated 07.04.2026 was passed by this Court, the subsequent orders have been passed by way of a subsequent proceeding by preparing a fresh inspection report and a fresh order of demolition, and this prima facie shows that the inspection report on the basis of which the demolition order dated 9th September,

2025 was passed, has not been served as the inspection report would have been obviously dated prior to 9th September, 2025.

4. From the documents on record, it appears that the petitioner has admittedly not been served with the inspection report on the basis of which demolition order dated 09.09.2025 has been passed as directed.
5. The conduct of the Corporation is also prima facie an abuse of the process of law as without complying with the Court's order dated 09.04.2026 they have proceeded to file a fresh inspection report and also a fresh demolition on 30.04.2026.
6. Accordingly, the orders dated 9th September, 2025, and 30.04.2026, be stayed till 30th June, 2026 or until further orders whichever is earlier.
7. Matter be listed for hearing on **24th June, 2026.**
8. Petitioner to serve upon the alleged contemnors and file affidavit-of-service on the next date.

(Shampa Dutt (Paul), J.)