

18.05.2026
Item No. 114.
Court No.8.
AB

**MAT 834 of 2026
With
CAN 1 of 2026
In
CPAN 1490 of 2025**

**Subhra Singha Roy & Others
Vs
Smita Pandey & Anr.**

Mr. Indrajit Bhattacharya For the Appellants.

Mr. R. N. Chakraborty,
Mr. S. Thakurrata ...For the Respondent No.2.
/Writ Petitioner.

Mr. Alok Kr. Ghosh,
Mr. Gopal Ch. Das For the KMC.

Dictated by Arijit Banerjee, J.

1. This appeal is directed against a judgment and order dated April 24, 2026, passed by a learned Judge of this Court, in a Contempt Application being CPAN 1490 of 2025. The contempt application was filed alleging wilful violation of an order dated January 15, 2025, which was passed by the learned Single Judge in WPA 20480 of 2018. The order essentially was for demolition of an illegal construction.
2. The contempt application has been disposed of by the learned Single Judge with, inter alia, the following directions:

“4. Considering these facts, the contempt application is disposed of, with the direction that the Kolkata Municipal Corporation, the alleged contemnor, shall take all steps to comply with this Court’s order dated 15.01.2025 of which violation has been alleged, with the help of the local Police

Station, who shall render full assistance to the Corporation Authorities to carry out the Court's order.

5. The whole exercise be completed within 30 days on and from 11th May, 2026.

6. The contempt application stands disposed of".

3. The appellants say that they are not challenging the order on merits. They only pray for some time to vacate the premises. They are elderly people. Some of them are critically ill.
4. Learned Advocate for the respondent no.2/ writ petitioner says that he has not received copies of the appeal papers. Learned Advocate for the appellants says that he has effected service and files affidavit of service which be kept with the records.
5. Be that as it may, to avoid unnecessary controversy, let service be effected by learned advocate on record for the appellants on learned advocate on record for the respondent no.2 /writ petitioner in course of the day.
6. List the matter once again on 20.05.2026.
7. It is understood that in the meantime, no steps will be taken in respect of the impugned construction.
8. On humanitarian grounds, we propose to grant 60 working days' time to the appellants to vacate the premises in question. On the next date, independent undertakings in the form of affidavits should be filed by the appellants to

vacate the premises peacefully upon expiry of 60 working days from the date of the undertaking.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)