

11th June, 2026
Item no.D/L 54
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Special Civil Jurisdiction
Appellate Side

Case No. **CPAN 1832 of 2024**
In
WPA 24539 of 2023

In the matter of :
Smt. Malaya Bhowmik & Ors. *Petitioners*
VS.
Ram Gopal Parwal & Ors. *Contemnors*

For the Petitioners:
Mr. Sayak Kumar Gupta
Mr. Nandadulal Bandyopadhyay *Advocates*

For the Contemnor nos. 1-4:
Mr. Suprobhat Bhattacharya
Mr. Saptarshi Kumar Kundu *Advocates*

For the Contemnor no. 6:
Mr. Yudhisthir Maity *Advocate*

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner alleges violation of the direction passed by the Court on 16th May, 2024.
3. An appeal was preferred from the said order and the Hon'ble Division Bench vide order dated 4th November, 2024 in MAT 1135 of 2024, MAT 1134 of 2024 & MAT 1606 of 2024 was pleased not to interfere with the order passed by this Bench.
4. The matter relates to implementation of the order passed by the Tamralipta Municipality. The contemnors in the present contempt application are the tenants of the petitioner who intend to demolish the old construction and raise new construction thereat.

5. The tenants have stalls in the subject premises where the proposed building is to be constructed.
6. The revised plan seeking sanction was submitted before the Tamralipta Municipality for construction of a B+G+4 storied residential-cum-commercial building. The tenants currently refuse to vacate the old structure on account of non settlement of the compensation amount to be paid for the period that the tenants will remain out of possession. The issue regarding tenancy and compensation is currently pending in a civil suit filed by the tenants. Attempt to settle the issue through mediation was also taken by the learned trial judge.
7. The petitioner presses for a direction upon the tenants to vacate the old construction so that the building plan may be sanctioned by the Tamralipta Municipality.
8. Learned advocate representing some of the tenants raises serious objection with the regard to the prayer made by the petitioners.
9. It has been submitted that till the issue of compensation is decided, they would not be in a position to vacate the old stalls. Civil suit is pending consideration before the learned trial Court and order of injunction has also been passed.
10. Upon hearing the parties and on perusal of the documents placed before this Court, I am of the opinion that there are several disputed questions of fact which cannot be addressed by the Court in the contempt jurisdiction. The issue of tenancy and compensation is pending disposal before the learned civil Court.
11. In view of the above, the Court is not inclined to interfere in the contempt application. The contempt application stands disposed of.

12. It will be open for the petitioner to approach the competent forum for necessary relief in accordance with law, if so advised.
13. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)