

01.07.2026  
Piya  
ct no. 30  
sl. 1

**CPAN 604 of 2026**  
**Ajay Makharia & Ors.**  
**vs**  
**Bidhan Upadhyay, The Mayor,**  
**Asansol Municipal Corporation & Ors.**

**In**

**WPA 7563 of 2026**

**Ajay Makharia & Ors.**  
**Vs.**  
**The Asansol Municipal Corporation & Ors.**

Mr. Vivekananda Bose  
Mr. Ratikanta Das  
**.....for the Petitioners**

Mr. Sounak Bhattacharya  
**..... for the Asansol Municipality**

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 also passed a further demolition order dated 30.04.2026.

3. It is further stated 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 also 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. Learned counsel for the alleged contemnor on appearing has placed the "SITE INSPECTION REPORT" dated 22.04.2026.
5. It is submitted that the only "site inspection report" in this case is the one dated 22.04.2026, and this report is based on the **site inspection/measurement held on 25.07.2025** and this report has been duly served upon the petitioners by a letter also dated 22.04.2026.
6. It is further submitted that this is the report of an inspection held on 25.07.2025 on the basis of which the demolition order dated 9<sup>th</sup> September, 2025 has been passed, but the **date has been wrongly noted as 22.04.2026, as the report**

**was served on the said date as directed by the Court.**

**7. The document at page 45, proves that the copy of the report was served on 22.04.2026.**

**8.** It appears from the record that the alleged contemnor has served a copy of the report of the inspection held on 25.07.2025 and it is on the basis of this report, that the demolition order dated 9<sup>th</sup> September, 2025 and 23<sup>rd</sup> March, 2026 was passed.

**9.** Vide the impugned order dated 07.04.2026, this Court directed as follows:-

*“.....9. Accordingly, considering the submissions made by all the parties and in order to avoid any delay in the present case, the impugned order dated 23rd March, 2026, is hereby set aside, with a direction upon the respondent Municipal Corporation to serve the copy of the inspection report upon the petitioner within 10(ten) days from the date of the communication of this order and the authority concerned is at liberty, to decide the issue a fresh, on hearing all stakeholders, and by passing by a reasoned order, in accordance with law*

*within 15(fifteen) days from the date of the communication of this order.....”*

- 10.** The petitioners now state that the order dated 30th April, 2026 issued by the alleged contemnor no. 3, without supplying the copy of the inspection report based on which the earlier orders dated 9th September, 2025 and 23rd March, 2026 was passed, is a patent violation of the judgment and order dated 7th April, 2026 passed by this Hon'ble Court.
- 11.** It appears that a copy of the report in respect of an inspection held on 25.07.2025 has been served upon the petitioner on 22.04.2026, (vide letter dated 22.04.2026, copy is at page 45 to the contempt application) that is prior to the order dated 30<sup>th</sup> April, 2026, which has been passed in due compliance of this Court's order dated 07.04.2026.
- 12.** It further appears from the materials on record that prior to the hearing as directed, the petitioner was also served with a notice **also** dated 22.04.2026, to attend the hearing to be held on 28.04.2026 at 4.00 P.M.
- 13.** Finally the authority concerned, the alleged contemnor in due compliance of this Court's order dated 07.04.2026, passed an order dated

30.04.2026, where in the petitioners letter submitted on 28.04.2026 was also duly considered.

**14.** Thus there appears to be no prima facie violation of the order dated 07.04.2026 passed by this Court in WPA 7563 of 2026, as alleged and as such **the contempt proceeding is hereby dropped.**

**15. CPAN 604 of 2026 stands disposed of.**

**16.** Connected application, if any, stands disposed of.

**17.** Interim order, if any, stands vacated.

**18.** Urgent Photostat certified copy of this Order, if applied for, be supplied to the parties expeditiously after due compliance.

**(Shampa Dutt (Paul), J.)**