

18.11.2022
Item no. 6 & 7
Aloke
Ct. no.29

CPAN 1031 of 2022
with
WPA 23211 of 2018

Asif Iqbal
Vs.
Binod Kumar & Ors.

Mr. Daanish Haque, Advocate
Mr. Siddharth Deb Roy, Advocate
Mr. Md. Zohaib Rauf, Advocate
Mr. Abdul Zahid, Advocate
... .. For the petitioners

Mr. R. Chatterjee, Advocate
Mr. S. Panda, Advocate
... .. for the alleged
contemnors/KMC

The petitioner complains of violation of the order dated December 19, 2018 passed in WP 23211 (W) of 2018.

By such order, the Corporation was directed to invoke the provisions of the Section 400 (1) of the Kolkata Municipal Corporation Act, 1980, since the Corporation was of the prima facie view that there subsisted unauthorized construction. It did invoke the provisions of Section 400 (1) of the Act of 1980 and passed necessary orders.

It is the contention of the petitioner that the Corporation did not implement such order.

The order dated December 19, 2018 passed in the writ petition stands worked out in the sense that the Corporation complied with the direction requiring it to invoke the provisions of Section 400 (1) of the Kolkata Municipal Corporation Act, 1980.

In such circumstances, I am not minded to invoke the provisions of Article 215 of the Constitution of India or the provisions of the Contempt of Courts Act, 1971 in the facts of the present case.

This order will not prevent the petitioner from availing its remedy before the appropriate forum, in accordance with law.

CPAN 1031 of 2022 is disposed of.

(Debangsu Basak, J.)