

15.07.2022
Item No.4
Court No.6.
S. De

C.P.A.N. 548 of 2022
in
M.A.T. 1281 of 2021
Golam Rashid.
Vs
Binod Kumar, IAS, Municipal Commissioner,
Kolkata Municipal Corporation & Ors.

Md. Zohaib Rauf,
...for the petitioner/applicant.
Mr. Alok Ghosh,
Mr. Subhrangsu Panda,
...for the K.M.C.

This contempt application has been taken out alleging wilful violation of an order dated December 3, 2021 whereby MAT 1281 of 2021 was disposed of. The operative portion of the said order reads as follows :-

“The writ petitioner has come up on appeal with the grievance that representations are also pending in respect of the Broad Street and Tiljala Lane constructions. According to the writ petitioner it is the private respondent who is responsible for such constructions also.

Mr. Panda, learned advocate, representing the Corporation has apprised us that his client has received four representations in respect of the four properties. We direct the Corporation to dispose of such representations by a reasoned order in accordance with law and the applicable rules and regulations and after giving an opportunity of hearing to all concerned parties including the private respondent and the writ petitioner. Let such decision be taken at the earliest and in any event within ten weeks from the date of communication of this order to the concerned officer of the Corporation.

None of the observations in the order under appeal or in this order shall have any bearing on the criminal proceedings that the writ petitioner says are pending concerning the private respondent.

It is also made clear that in case the Corporation has issued stop-work “notice” in respect of any one or more of the aforesaid four properties, the Corporation shall ensure that no further construction is made thereat. In case the Corporation deems it necessary to obtain police assistance to implement its stop-work “notice”, the police shall render all co-operation and assistance.”

Learned advocate for the petitioner says that in spite of due communication of the order, the same has not been complied with by the alleged contemnors.

Mr. Ghosh learned senior counsel assisted by Mr. Panda, learned advocate appears and says that they have instructions to appear for the respondents.

A copy of the contempt petition has been made over to learned advocate for the alleged contemnors. They will be at liberty to file affidavit-in-opposition within five weeks from date i.e. August 19, 2022. The petitioner will be at liberty to file his reply within a week thereafter i.e. August 26, 2022.

List the matter on August 26, 2022.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)