

S/L No.2

11.11.2022
Ct-29
(AD)

CPAN 10 of 2019
(CAN 1 of 2021)
IN
WPA 5764 of 2018
(CAN 1 of 2022)

*Sri Anup Kumar Biswas, since deceased, represented by
Prativa Biswas & Anr.*

vs.

Pritha Sarkar & Ors.

*Mr. Kaustuv Mishra
Mr. Uttam Kumar Bhattacharyya
... for the petitioners*

*Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag ... for the alleged contemnors*

*Mr. Gopal Chandra Ghosh
Mr. Rajkrishna Mondal
... for the private respondents.*

An application for modification of the order dated May 15, 2018 as well as the contempt petition complaining about violation of such order are taken up for analogous consideration in presence of the learned Advocates for the writ petitioner, the municipality as well as the private respondents.

The order dated May 15, 2018 proceeded on the basis of allegation of unauthorized construction.

The operative portion of such order required the municipal corporation to exercise powers under Section 268 of the West Bengal Municipal Corporation Act, 2006 in respect of unauthorized construction as noted in the writing dated July 14, 2017 in accordance with law.

The Court is informed that the municipal corporation did take steps. However, the municipal corporation is hindered in view of the Section specified in the order dated May 15, 2018. Hence, the application for modification at the behest of the municipal corporation. As noted above, the order proceeded on the basis of allegation of unauthorized construction.

The relevant provision should be Section 266 of the West Bengal Municipal Corporation Act, 2006. In such circumstances, the order dated May 15, 2018 passed in the writ petition is modified to mean that the municipal corporation will exercise powers under Section 266 of the Act of 2006 in respect of the unauthorized construction as noted above in the writing dated July 14, 2017 in accordance with law.

The time to complete the exercise is extended for a period of six weeks from date.

In view of the modification of the order dated May 15, 2018, no order need be passed in the contempt petition.

CPAN 10 of 2019 as well as CAN 1 of 2022 and CAN 1 of 2021 are disposed of accordingly.

(Debangsu Basak, J.)