

**CPAN 82 of 2021
in
WPA 3508 of 2019**

(Aklima Begum Vs. Shri Dinen Roy & Ors.)

Ms. Nibedita Chakraborty

.... For the petitioner

Ms. Ahona Sikdar

Ms. Barshana Shreestha

.... For the contemnors

The present contempt application has been preferred alleging violation of an order dated 11th March, 2019 passed by this Court in the writ petition being W.P.A. No. 3508 of 2019.

Ms. Chakraborty, learned advocate appearing for the petitioner submits that the unauthorized construction, as raised by the private respondents, has not yet been demolished by the municipal authorities. In support of such contention she has brought on record some photographs by filing a supplementary affidavit. Let the said supplementary affidavit be kept on record. Copies of the same have already been served upon the alleged contemnors.

She further submits that after communication of the order passed by this Court, a decision was taken by the Administrator, Midnapore Municipality on 25th February, 2020 but the unauthorized construction has not yet been demolished.

Ms. Sikdar, learned advocate appearing for the alleged contemnors denies and disputes the contention of the petitioner and submits that a stop work notice was issued on 30th October, 2018 pertaining to a construction which was being raised by the private respondents. Pursuant to the order passed by this Court, notices were issued to the parties and by an order dated 25th February, 2020 the private respondents were directed to demolish the unauthorized construction. Such direction was complied with by the private respondents. In support of such contention reliance has been placed upon a report of the Sub-Assistant Engineer, Midnapore Municipality dated 21st September, 2021. Let the said report, as produced, be kept on record.

Records reveal that a stop work notice was issued on 30th October, 2018 pertaining to a construction which was being raised by the private respondents. It would be explicit from the report dated 21st September, 2021 that the said unauthorized construction has already been demolished by the private respondents in terms of the decision taken on 25th February, 2020. As such, in my opinion, there has been no deliberate violation of the order passed by this Court.

The contempt application is, accordingly, dismissed.

(Tapabrata Chakraborty, J.)