

S/L 8
08.04.2022
Court. No. 19
GB

CPAN 181 of 2022
In
WPA 1765 of 2022

Sri Nirmal Singha & Anr.
Vs.
Ashit Mukherjee & Ors.

Mr. Sarwar Jahan.

...for the Petitioners.

Mr. Soumyajit Bhatta.

...for the Panihati Municipality.

The applicants have alleged violation of the order of this Court by the municipal authorities as also by the writ petitioners in WPA 1765 of 2022.

The learned advocate for the alleged contemnors/authorities of the municipality hands over copies of documents to show that the municipality has already issued a direction upon the persons responsible for such construction on March 28, 2022, to stop all further constructions. An intimation to that effect has also been handed over to the police authorities.

Thus, it appears that the municipality has not violated the order of this Court and has taken steps for stopping the alleged unauthorized construction. It also appears that the proceeding with regard to such unauthorized construction is pending before the Panihati municipality.

Under such circumstances, the contempt application is disposed of with a direction upon the contemnor nos.3 and 5 to ensure that no unauthorized construction takes place as

already directed by this Court earlier. The police authorities are directed to render all support to the municipality in this regard. The municipality shall comply with the other portion of the order of this Court and complete the proceeding already initiated within the period prescribed by this Court. The allegation against the writ petitioner, namely, Ashit Mukherjee is not decided in the proceeding. If the police authorities do not cooperate with the municipality or with the petitioner, the petitioner shall be at liberty to take appropriate steps in this regard.

As the alleged contemnors, who are the Chairman and Executive Officer of the municipality have admitted that an unauthorized construction is going on, this Court expects that the said authorities shall discharge their obligation and responsibility under the law and comply with the order of this Court to ensure that the order of the Court is not violated and the law is upheld.

Accordingly, the contempt application is disposed of and contempt proceeding dropped.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)