

04.05.2022
Item No. 15
Court No.6.
S. De

M.A.T. 623 of 2022
IA No. CAN/1/2022

Pankaj Kumar Sarkar.
Vs
Bidhannagar Municipal Corporation & Ors.

Mr. Pankaj Kumar Sarkar,
...in person.

Mr. Subhabrata Das,
Mrs. Ananya Das,
Mr. Arindam Banerjee,
Mr. Kartick Goyal,
...for the respondent nos. 5 & 6.

The writ petitioner approached the learned Single Judge alleging unauthorised construction of a reservoir and installation of a ferrule by the private respondent nos. 5 and 6, in the writ petition. Being so approached, learned Single Judge on July 10, 2019, passed an interim order to the effect that without prejudice to the rights and contentions of the parties, Bidhannagar Municipal Corporation should carry out an inspection of the relevant premises with the help of police, if necessary, to find out whether the construction had been made in accordance with the sanctioned plan and the applicable building rules. A report was directed to be filed within a period of three weeks.

It appears that, thereafter, the writ petitioner again approached the learned Single Judge alleging violation of the said order dated July 10, 2019 by filing a contempt application (CPAN 76 of 2020).

It also appears that the writ petitioner, further, making some allegations against the learned advocate, who represented the Corporation, has filed another contempt application (CPAN 75 of 2020).

Both the contempt applications were taken up by the learned Single Judge on February 12, 2020, when the learned Single Judge rejected both the applications by the order impugned in this appeal.

Learned Judge, however, by the said order granted liberty to the petitioner to approach the appropriate forum seeking demolition of the unauthorised construction in view of the report filed by the Corporation.

An order dismissing a contempt application is not appealable in view of Section 19 of the Contempt of Courts' Act, 1971. The writ petitioner's remedy was kept open by the learned Single Judge. The main writ petition is also pending and the writ petitioner is at liberty to proceed with his writ application before the learned Single Judge.

In that view of the matter, MAT 623 of 2022 along with I.A. No. CAN 1 of 2022 is dismissed.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)