

Item Nos.606 and 607

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

31.08.2023
Ct-24
AGM

WPCRC 129 of 2023
in
WPA 10272 of 2022
With
WPA 9593 of 2022

Smt. Sandhya Bhattacharya
v.
Rakesh Kumar Nayek

Mr. Abhishek Halder
Mr. Swadesh Misra

... For the petitioner.

Mr. M.P. Gupta
Ms. Antara Panja

... For the alleged contemnor.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumdar

... for the HMC.

Affidavit-in-opposition of the alleged contemnor and the reply thereto filed by the petitioner are taken on record.

It has been brought to the notice of the Court that the Bally Municipality considered the objection filed by the petitioner alleging unauthorised construction and passed order of demolition on 1st March, 2023.

I have perused the order of demolition wherefrom it appears that there is deviation in each and every floor constructed by the petitioner starting from the ground floor to the fourth floor. The sanctioned area for making

construction was 1054.54 Sq meter. The person responsible constructed 1681.12 square meter. The deviated area has been calculated 626.72 square meter.

An appeal has been carried from the order of demolition passed by the Bally Municipality being Other Appeal No. 4 of 2023 and the learned Court below was pleased to pass order of stay of the impugned order of demolition.

The petitioner herein that is the complainant has not been impleaded as party in the said proceeding.

According to the petitioner, the restraint order that was passed by the Court has been flouted. The person responsible inducted occupiers by creating third party interest over the portions constructed unauthorisedly and presently suffering an order of demolition.

It has been contended by the learned advocate representing the alleged contemnor that the occupiers were inducted prior to the order being passed by the Court.

As the order of demolition is presently under scrutiny before the statutory appellate forum, accordingly, it will be open for the complainant/writ petitioner to approach the competent forum for necessary relief.

The contempt application stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)