

344
16.11.2023
Court No. 24
A.G.M.

**In The High Court At Calcutta
Special Civil Jurisdiction
Appellate Side**

**C.P.A.N. 1430 of 2022
in
W.P.A. 11319 of 2022**

**Uttam Kumar Biswas & Anr.
-versus
Prabhakar Mayra**

**Mr. Uttam Kumar Biswas.
...Petitioner No.1.in person.**

**Mr. Kingsuk Mondal.
...For the Contemnor.**

Affidavit of compliance filed by the alleged contemnor is taken on record.

Copy of the reasoned order dated 20th July, 2023 is annexed with the affidavit of compliance.

The reasoned order mentions that construction has been made in accordance with the plan sanctioned by the Panchayat.

The petitioner no. 1 appears in person and submits that the mandatory side open spaces have not been left open at the time of making construction.

It has further been submitted that the Pradhan could not have sanctioned plan for raising construction upto the G+4 storied level.

The Pradhan of the Gram Panchayat is directed to cause a spot inspection upon prior notice to the petitioners and the person responsible for making construction to ascertain the exact measurements of the side spaces that have been left open. The height of

the building which was sanctioned and the height of the building which is presently standing shall be measured and recorded.

The spot inspection report mentioning the above measurements shall be produced before this Court on the adjourned date with an advance copy to the petitioners.

The receipt showing payment of Rs. 5,000/- only in the office of the High Court Legal Services Authority is retained with the records.

Learned advocate representing the alleged contemnor submits that the sum of Rs. 5,000/- only to be handed over to the petitioner will be paid to him in course of the day.

Leave granted to the petitioner to implead the present Pradhan as contemnor in the contempt application and serve copy of the contempt application upon the added party.

The present Pradhan shall be personally present along with the surveyors and engineers for recording the measurements as indicated hereinabove.

List on 14th December, 2023.

(Amrita Sinha, J.)