

16.04.2024
Item No.12
Court No.6.
AB

C.P.A.N. 250 of 2022
In
F.M.A. No.1062 of 2021
With
CAN 2 of 2022

Girja Shankar Shaw @ Jaiswal
Vs
Dhawal Jain, Commissioner, HMC

Ms. Nibedita Pal ...for the Petitioner.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka ...for the alleged Contemnor.

Mr. Subir Sanyal,
Mr. Sajal Kr. Ghosh for the Applicant in
IA CAN 2 of 2022.

Mr. Debasish Basu Special Officer.

In re : CPAN 250 of 2022

Leave is granted to learned Advocate on record for the petitioner to implead the new Commissioner of Howrah Municipal Corporation as the respondent no.2 in the contempt petition.

Since Mr. Sandipan Banerjee, learned Advocate says that he will be representing the added respondent also, no service need be effected on the added respondent.

Mr. Banerjee says that thrice letters have been written to Howrah Fire Brigade for assistance in the matter of implementation of the demolition order in question. Till now, such assistance has not been extended.

We have taken on record the report of learned Special Officer appointed by us. It appears from that report that without the help of Fire Brigade, the demolition work cannot be completed.

The Howrah Fire Brigade is directed to render all necessary assistance and cooperation to the men and people of Howrah Municipal Corporation for the purpose of implementation of the demolition order in question. The Fire Brigade shall immediately interact with the Officers of Howrah Municipal Corporation and vice-versa. Let the needful be completed within the next four weeks.

Within a period of six weeks from date, the added respondent shall file a compliance report in the form of affidavit before this Court.

It is submitted on behalf of the Corporation that on the next date when the Corporation goes to the spot for implementation of the demolition order, the Special Officer appointed by us should also be present to avoid all future controversies. Prior notice shall be given by the Corporation to the Special Officer, who is requested to make himself available at the site in question on that date.

The Corporation shall pay a further remuneration of 1000 GMs to the Special Officer within a fortnight from date. On the returnable date, the Special Officer shall file a further report before us.

We clarify that demolition will be only of the portion of the premises as indicated in the demolition order and/or the demolition sketch and nothing beyond that.

In re : CAN 2 of 2022

This application has been taken out for modification of the judgment and order dated February 25, 2022, whereby FMA 1062 of 2021 was disposed of by us.

Mr. Banerjee, learned Advocate appearing for HMC says that no service of the application has been effected on his client.

Learned Advocate on record for the applicant hands over a copy of the application to Mr. Banerjee in Court today. Let Mr. Banerjee come back with appropriate instructions on the next date.

Let this matter be listed on 30.4.2024.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)