

S/L 45(ML)
08.09.2022
Court. No. 19
srm

CPAN 873 of 2021

In

WPA 11244 of 2021

Rajib Kumar Shaw

VS

Shri Dhaval Jain

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. R. Ahmed,
Mr. Rudranil Das

... for the Petitioner.

Mr. Sandipan Banerjee,
Mr. Sobham Majumder,
Mr. Ankit Sureka

... for the Alleged Contemnor.

It appears that the order has been passed by the Assistant Engineer on September 6, 2022 directing demolition of the G+4 structure, which was found to be without any sanction.

Thus, the grievance of the petitioner has been met.

Mr. Banerjee, learned Advocate appearing on behalf of the alleged contemnor, submits that nothing further remains to be decided in the contempt application and the order of demolition shall be implemented by the Corporation shortly in accordance with law.

Mr. Mukherjee, learned Advocate appearing on behalf of the applicant/petitioner, submits that this Court

had fixed a time limit within which the Corporation ought to have completed the entire process. He prays that a time limit be fixed, for execution of the order of demolition.

This Court is of the view that further directions in the contempt application ought not to be passed. The scope of contempt is very limited. All that the Court can see is whether the order of the court has been complied with or not and whether there is any wilful disobedience. However, the remedy of the petitioner to challenge further inaction of the authorities, is always open before the appropriate forum.

This Court is also reposes faith in the authority, that they shall act in due discharge of their statutory function.

Contempt application is disposed of. Contempt proceeding is dropped.

(Shampa Sarkar, J.)