

Sl. No.21
29.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPCRC 124 of 2022

In

WPA 25983 of 2018

Kaloni Bibi & Anr.
Versus
Naria Bibi & Anr.

Mr. Ramkrishna Bhattacharya

Mr. Kaushik Chaudhury

Mr. Bursa Khatun

... for the petitioners

Mr. Shamit Sanyal

Ms. Priyakshi Banerjee

... for the contemnor no.2

An affidavit of compliance has been filed in Court.

In the said affidavit it has been mentioned that the Pradhan has come to a concluded finding that Fijil Sk. has committed illegality and irregularity at the time of making construction and direction has been passed for removal of the unauthorised construction made by the said Fijil Sk.

The document of the present case was forwarded by the Pradhan to the Sub Divisional Officer, Jangipur, Murshidabad.

In the communicating letter of the Pradhan, due to inadvertance, it has been recorded that illegality has been committed by Fijil Sk. and Mustaq Sk. the son of the petitioner no.1, since deceased.

Learned advocate appearing for the contemnor submits that the name of Mustaq Sk. has been incorporated by mistake. Apology has been sought for the said error.

The Sub Divisional Officer, Jangipur shall take into consideration the affidavit of compliance that has been filed in Court wherein it has been specifically mentioned that Fijil Sk. make the unauthorised construction. The name of Mustaq Sk. as appearing in the communication of the Pradhan forwarded to the Sub Divisional Officer, Jangipur on 26th September, 2022 stands deleted.

Learned advocate for the petitioners submits that Kaloni Bibi, the petitioner no.1 expired on 7th August, 2022. An application for substitution being CAN 1 of 2022 has been filed on 28.09.2022.

The same is not on record. A copy of the application for substitution handed over by the learned advocate for the petitioners is taken on record.

The application being on time and in form stands allowed.

The heirs and legal representatives of the deceased petitioner no.1 be incorporated in the cause title of the contempt application. The application for substitution is treated as on day's list and disposed of.

Learned advocate representing the Pradhan is directed to make a fresh communication to the Sub Divisional Officer by removing the errors that cropped up

in the earlier communication to the Sub Divisional Officer.

Contempt application disposed of.

Contempt Rule stands discharged.

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

(Amrita Sinha, J.)