

ORDER

OD-3

CC/9/2022

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
(CONTEMPT)
ORIGINAL SIDE

SRI KESHOV PRASAD SHAW
VERSUS
BINOD KUMAR AND ORS.

BEFORE:

THE HON'BLE JUSTICE HARISH TANDON

Date : 16th December 2022.

APPEARANCE:

Syed Nurul Arefin, Advocate
Mr. Rahul Singh, Advocate
..... for petitioner.

Mr. Alak Kumar Ghosh, Advocate
Ms. Sima Chakraborty, Advocate
..... for KMC.

Mr. Debashis Ghosh, Advocate
Mr. Sayan Ganguly, Advocate
..... for State of W.B.

The Court:- The instant contempt application has been taken out alleging wilful and deliberate violation of the order dated 22nd August 2018 passed in the writ petition directing the Corporation to take steps for demolition of the unauthorised and illegal constructions of the premises being the subject matter of dispute in the writ petition.

Though the contempt application was filed at a relevant point of time when the petitioner perceived that the order has not been complied with

and the alleged contemnors are guilty of violating the said order passed by this Court, today, when the matter is taken up, it is submitted by the learned advocates for the petitioner as well as the alleged contemnors that the said order has been complied with, though belatedly, and for which, Mr. Ghosh, learned advocate appearing for the alleged contemnors, tenders unconditional apology.

In view of the fact that the order has already been complied with, which is admitted by the learned advocates appearing for the petitioner, and an unconditional apology tendered for the delay in compliance thereof, I do not feel that proceeding with the instant matter would yield any fruitful result. The authority must be careful and diligent in complying with orders passed by this Court, as delay may sometimes be construed as contemptuous act.

Be that as it may, since the petitioner himself does not intend to proceed and compliance has already been made, I do not feel that it would be prudent to keep the contempt application pending.

Accordingly, the contempt application is dismissed.

(HARISH TANDON, J.)