

May 4, 2023
Sl. No. 17
Court No.19
s.biswas

CPAN 134 of 2022
in
WPA 11994 of 2021

Biswajit Mishra
vs.
Binod Kumar and another

Ms. Shetparna Ray
... for the petitioner
Mr. Alok Kr. Ghosh
Mr. Subhrangsu Panda
... for the alleged contemnor

The compliance report filed by the alleged contemnor, is taken on record.

Perused the compliance report.

It appears that the demolition order was passed by the competent authority of the Kolkata Municipal Corporation, in compliance with the order of the Court.

It further appears that the person responsible for such construction has preferred an appeal being B.T. 46 of 2021.

WPA 14811 of 2021 was filed by the person responsible for the alleged construction and by an order dated September 22, 2021, the Kolkata Municipal Corporation was directed not to take any step for demolition for a period of three weeks from the date of the order and thereafter proceed on the basis of the order of learned appellate forum.

Under such circumstances, the Court does not find any willful disobedience.

The contempt application is disposed of. The contempt proceedings are dropped.

However, the right of the applicant to be added as a respondent in the pending appeal and to pray for necessary orders, is kept open. The right of the applicant to approach the Corporation for necessary steps on the basis of the orders to be passed in the appeal, is also kept open.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)