

02.02.2023
Sl. No.13(DL)
srm

CPAN 919 of 2022
In
W.P.A. No. 1323 of 2022

Sandhya Sardar

Versus

Mr. Kaliyamurti Balamurugan

Mr. Prokash Chandra Mondal,
Mr. Debabrata Mondal

...for the Applicant.

Pursuant to the direction of this Court dated February 23, 2022, the Chief Technical Officer, East Kolkata Wetlands Management Authority, Department of Environment, Government of West Bengal passed an order dated March 24, 2022. The parties were directed to remove their unauthorised constructions and restore the land to its previous status.

The order of this Court was upon the Chief Technical Officer, East Kolkata Wetlands Management Authority to decide the objection of the applicant.

The subsequent steps to be taken by the East Kolkata Wetlands Management Authority, by asking the Kolkata Municipal Corporation to undertake the demolition work of the unauthorised building and restoration of the subject land, was a part of the order of the Chief Technical Officer and not

a direction of this Court upon some other authority to undertake the said exercise.

The jurisdiction of contempt is limited. The Court cannot hold that the Chief Technical Officer had willingly, deliberately and wilfully violated the order of this Court. The proof of contempt is similar to that in a criminal case. Deliberate violation has to be proved beyond reasonable doubt. In this case, the Chief Technical Officer, East Kolkata Wetlands Management Authority has complied with the order of the Court. Further action to be taken by asking the Kolkata Municipal Corporation to undertake the demolition work is an administrative exercise to be undertaken by the authority.

The Court does not find any contempt, but the petitioner is at liberty to approach the appropriate forum for further implementation of the order of the Chief Technical Officer, East Kolkata Wetlands Management Authority dated March 24, 2022, in accordance with law.

As such, the contempt application, as it stands today, is disposed of without any orders. The contempt proceedings are dropped.

(Shampa Sarkar, J.)