

CPAN 765 of 2020
(Md. Rafique Molla Vs. Dulal Chandra Das)
in
WPA 7248 of 2019

Mr. Raghunath Chakraborty
..... For the alleged
contemnor/respondent

The present contempt application has been preferred alleging violation of an order dated 25th June, 2019 passed in a writ petition being WP 7248 (W) of 2019.

Records reveal that no one appeared on behalf of the petitioner when the matter was last taken up for hearing on 21st April, 2023. Today also, no one appears on behalf of the petitioner and no accommodation has been sought for.

Mr. Chakraborty, learned advocate appearing for the alleged contemnor being the Chairman of Maheshtala Municipality (in short, the said Municipality) submits that in compliance with the order passed by this Court, an inspection was conducted and an order of demolition was passed by the competent authority of the said Municipality. As the private respondents did not comply with the demolition order, a team was sent to the locale on 22nd July, 2022 and the roof of the unauthorized construction was dismantled with the help of electric cutter. The walls of the unauthorized construction (9'3" x 12'6") were also demolished. In support of such

contention he has placed before this Court a report of the alleged contemnor in the form of an affidavit, as called for earlier by an order dated 5th August, 2022. Let the said report as produced, be kept on record.

Mr. Chakraborty further submits that a copy of the report was also handed over to the petitioner's learned advocate and the petitioner has also used an exception. However, the said exception has not been filed by the petitioner in Court. Mr. Chakraborty has handed over a copy of the said exception wherein it has, *inter alia*, been stated that the unauthorized construction had not been demolished.

Heard Mr. Chakraborty, learned advocate and considered the materials on record.

By the order dated 25th June, 2019 this Court directed the competent authority of the said Municipality to conduct an inspection with prior notice to the parties. It was further directed that in the event it is ascertained that unauthorized construction had been raised, necessary follow up steps shall be taken by the said Municipality.

It appears from the report filed before this Court that an inspection was conducted. A team was sent to the locale and the unauthorized construction was demolished. All follow up steps, as directed by this Court, were taken by the said Municipality and the order of this Court has been complied with.

In view thereof, the contempt application is dismissed. Rule, if any, stands discharged.

It is made clear that the dismissal of the contempt application will not prevent the petitioner from taking appropriate steps before the competent forum, if so advised and in accordance with law.

(Tapabrata Chakraborty, J.)