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ORDER SHEET

CC No.8 of 2023
WPO No.2263 of 2022
IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction [Contempt]
ORIGINAL SIDE

SRI YASH SARAOGI
-Versus-
SRI BINOD KUMAR

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:17th March, 2023.

Appearance:
Mr. Sandipto Bose, Adv.
Mr. Mrinal Das, Adv.
Mr. Raja Adhikary, Adv.
...for Petitioner.

Mr. Alak Kumar Ghosh, Adv.
Mr. Gopal Chandra Das, Adv.
Mr. Debangshu Mondal, Adv.
...for alleged Contemnor.

The Court:-The order of the Special Officer (Building) of the Kolkata Municipal Corporation dated 02.02.2023 has been placed in Court today.

It appears therefrom that the Special Officer (Building), though observed that there has been unauthorized construction, but in the same breath recorded that, considering the appeal of the person responsible and documents in file, the Officer was not inclined to pass order to demolish the building which was in dilapidated condition. Person responsible was allowed to deposit the fees under Sections 400(1) & 416 of the Kolkata Municipal Corporation Act for retention of the structure subject to submission of fire license for the commercial portion and a clearance from Archaeological Survey of India, Kolkata.

It appears that the petitioner is aggrieved by the order passed by the Special Officer (Building) of the Kolkata Municipal Corporation.

I am afraid that the legality of the said order cannot be adjudicated in the contempt proceeding. It will be open for the petitioner to challenge the same before the appropriate forum, if so advised.

The contempt application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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