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ORDER SHEET

CC 50 of 2022
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (CONTEMPT)
ORIGINAL SIDE

SHAKIL AHMED SAGAR
VS
BINOD KUMAR, IAS AND ORS

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 3rd February, 2023

Mr. Anish Kumar Mukherjee,
Mr. Sayak Chakraborty, Advs.
...for the petitioner
Mr. Alak Kumar Ghosh,
Mr. Gopal Chandra Das,
Mr. Debangshu Mondal, Advs.
...for the Contemnners

The Court: The contempt petition is taken up for hearing after completion of affidavits.

Affidavits filed in Court be taken on record.

Petitioner complains of violation of the order dated June 5, 2018 passed by the Writ Court.

By the order dated June 5, 2018, direction was issued to the Corporation Authorities to initiate proceedings under Section 400(8) of the Kolkata Municipal Corporation Act, 1980 and to conclude the same as expeditiously as possible preferably within a period of six weeks from the date of communication of the order.

Some of the occupiers of the premises filed a second writ petition being WPA 23279 of 2022 when initially an interim order dated October 21, 2022 was passed. Such writ petition was dismissed by an order dated November 10, 2022. While dismissing the

second writ petition, the Court observed that there was a subsisting order of demolition. The Court also observed that there was hardly any scope to interfere with the order of demolition as it was passed. The Court observed that it would be open to the Corporation to take all steps including seeking police assistance for removal of the occupants for giving effect to the order of the demolition.

An appeal was carried therefrom which was dismissed by an order dated December 6, 2022. However, 15 days time was granted purely on humanitarian ground.

A period of 15 days expired from December 6, 2022.

The order of demolition is yet to be effected.

In the conspectus of the facts narrated above, in my view, it would be appropriate to dispose of the present contempt petition by providing leave to the petitioner to approach the Court which took note of the subsisting order of demolition seeking implementation thereof.

CC 50 of 2022 is disposed of accordingly.

(DEBANGSU BASAK, J.)

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