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ORDER SHEET
CC No.116 of 2023
With
WPO No.134 of 2023
IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction [Contempt]
ORIGINAL SIDE

MADANLAL NAHATA & ORS.
-Versus-
BINOD KUMAR, THE MUNICIPAL COMMISSIONER.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:18th December, 2023.

Appearance:

Ms. Sucharita Biswas, Adv.
Mr. Debapriya Gupta, Adv.
...for the Petitioners.

Mr. Biswajit Mukherjee, Adv.
Mr. Debangshu Mondal, Adv.
...for alleged Contemnor.

The Court:-The matter relates to unauthorized construction at premises no.8, Commissariat Road, Ward No.75, Borough-IX, P.S.-Hastings, Kolkata-700022.

The Court passed order on 22.04.2023 directing the Municipal Commissioner to dispose of the objection filed by the petitioner.

After service of the contempt application upon the alleged contemnor, the order has been complied and the copy of the order dated 15.12.2023 passed by the Special Officer (Building) has been produced in Court. It appears therefrom that the unauthorized construction has been permitted to be retained with deviation from sanction plan subject to payment of fees under Section 400(1) of the Act.

The order mentions that any person aggrieved by the order may prefer appeal against the order before the learned Municipal Building Tribunal.

Copy of the order has been served upon the learned advocate for the petitioners in Court today. Learned advocate representing the petitioners is aggrieved by the order passed by the Special Officer (Building).

I am afraid that the Court sitting in the contempt jurisdiction will not be the proper forum to decide the legality of the said order.

In view of the above, the contempt application stands disposed of.

It will be open for the petitioners to challenge the said order before the appropriate forum in accordance with law, if so advised.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)

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