

18.09.2024
Item No.692
Court No.6.
S. De

C.P.A.N. No. 613 of 2024
In
C.P.A.N. No. 145 of 2024
in
M.A.T. 1221 of 2023

Tapan Roy Paul.
Vs
Mr. Firhad Hakim, The Mayor, KMC & Ors.

Mr. S. Sinha Roy,
...for the appellant.
Mr. Alak Kr. Ghosh,
Ms. Manisha Nath,
...for the alleged contemnors/KMC.

The order violation of which is alleged in this contempt application, essentially directed that, “...If the Corporation finds there is unauthorized construction, as alleged by the writ petitioner/appellant herein, the Corporation is directed to initiate proceedings under Section 400(1) of the Kolkata Municipal Corporation Act, 1980, immediately and carry the same to its logical conclusion, in accordance with law, after granting adequate opportunity of hearing to all concerned parties including the appellant herein and the private respondents. The entire exercise should be completed within a period of four months from the date of communication of this order to the Special Officer (Building), Kolkata Municipal Corporation...”

Today, Mr. Ghosh, learned advocate for the alleged contemnors has filed a report dated September

17, 2024 signed by the Executive Engineer (C), Building Department, Borough-I, KMC. The material portion of the said report reads as follows :

“Subsequently the matter was placed before Special Officer (Building) and accordingly after hearing on 14.05.2024 in presence of both parties an order has been passed on 10.06.2024 directing to regularize the unauthorized construction in deviation from sanction plan on payment of necessary fees.

After that the The P/R has deposited the 50% of calculated regularization amount. The matter was placed before appropriate authority of KMC for final approval but the higher authority sent the file back to the concerned department with certain queries.

Accordingly again the matter has been placed before appropriate authority of KMC on 29.08.2024 with explanation for final approval.”

Let the report be kept with the records.

A copy of the report filed in Court today be made available by learned advocate-on-record for the

respondents to learned advocate-on-record for the petitioner.

Mr. Ghosh says that the order of the Special Officer (Building), will now be placed before the competent authority which will either approve or disapprove the order.

Learned advocate for the petitioner says that at the hearing before the Special Officer, there was complete discrimination. The Special Officer acted in a biased manner as against this petitioner.

We are unable to go into such complaints in this contempt application. If the petitioner is of the view that the order of the Special Officer (Building) is vitiated by his conduct, the petitioner will be at liberty to assail that order before the appropriate forum in accordance with law.

We dispose of this contempt application by directing the alleged contemnors to pass the final order and bring the proceedings under Section 400(1) of the KMC Act to a final conclusion within November 15, 2024.

CPAN 613 of 2024 is disposed of.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)