

49
14.03.2024
d.p.

**In The High Court At Calcutta
Special Civil Jurisdiction
Appellate Side**

**C.P.A.N. 495 of 2023
in
W.P.A. 17510 of 2022**

**Smt. Puspa Goenka & Ors.
-versus
Mr. Binod Kumar & Ors.**

**Mr. Rahul Karmakar,
Mr. D. Upadhyay,
Ms. Munmun Mazumder,
Mr. K.D. Singh,
Mr. Sounak Mukherjee.
...For the Petitioners.**

**Mr. Srijan Nayak,
Ms. Rituparna Maitra.
...For KMC.**

Perused the report filed by the engineers of the Kolkata Municipal Corporation, Borough-VIII on 22nd January, 2024.

It appears therefrom that in compliance of the direction passed by the Court on 30th September, 2022 hearing was conducted on 23rd November, 2022 in presence of all the parties. The order was passed on 29th November, 2022 and the same was duly communicated to the parties. The matter was finally heard by the Special Officer (Building) on 5th December, 2022 in the presence of all the parties including the advocate of the petitioners.

On 9th December, 2022 order was passed by the Special Officer (Building) to retain the construction done on the roof and also allowed to retain the unauthorized change of use in the 1st floor. The said order dated 9th December, 2022 was approved by the Mayor-in-Council of the Corporation and the same was also served upon all the parties.

Learned advocate appearing for the petitioners, disputes that the order was communicated.

Be that as it may, as it appears that the Corporation took steps to comply the order passed by the Court and finally decided the matter, accordingly, there is no requirement of proceeding with the contempt application any further.

The contempt application stands disposed of.

It will be open for the petitioners to challenge the action of the Corporation in an appropriate proceeding, 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.)