

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Gaurang Kanth

***M.A.T. 1066 of 2024
(CAN 1 of 2024)***

Imtiyaz Ahamed

-Vs-

The Bidhannagar Municipal Corporation & Ors.

For the Appellant : Mr. Jagannath Ganguly, Adv.,
Mr. Muhammad Jawwad, Adv.

For the BMC : Mr. Akra Kumar Nag, Adv,
Mr. Tirthankar Dey, Adv.

**For the Respondent
No.8/Writ Petitioner** : Mr. Sumitava Chakraborty, Adv.,
Ms. Bratati Pramanick, Adv.

Heard on : 02.09.2024

Judgment on : 02.09.2024

Joymalya Bagchi, J. :-

1. Appellant had constructed a G+4 storied structure without sanction plan. By order dated 03.04.2024 the Hon'ble Single Judge, inter alia, directed to take steps against the appellant for acting contrary to the provisions of the West Bengal Municipal Act, 2006

(hereinafter referred to as the Act of 2006) and the West Bengal Municipal Act, 1993 (hereinafter referred to as the Act of 1993). The occupants of the construction in question were directed to vacate the property. Electricity connection as well as the water supply to the property were also directed to be disconnected. Appellant was directed to deposit a sum of Rs.1 crore with the learned Registrar General as security deposit to replenish the loss suffered by the occupiers who were induced to purchase flats in the unauthorized building. Appellant was also directed to submit affidavits disclosing lists of assets including bank account and income tax details. He was restrained from making any further construction or from selling/transferring or alienating his personal properties without the leave of the Court. The order was carried in appeal and a Hon'ble Co-ordinate Bench in MAT 690 of 2024 did not interfere with the aforesaid directions save and except directing the appellant may be heard by the Municipal Commissioner under Section 266 of the Act of 2006 before necessary order is passed.

2. We are informed appellant was heard and demolition order was passed. Demolition order was placed before the Hon'ble Single Judge and the Hon'ble Judge after considering the said demolition order, by order dated 18.04.2024 passed various directions and refused to modify the earlier direction with regard to deposit of Rs.1 crore as security deposit. Finally by order dated 13.05.2024 the

Hon'ble Single Judge issued a Contempt Rule as the said security deposit had not been made.

3. Learned Advocate for the appellant submits order directing deposit of Rs.1 crore is exproportionate and the Hon'ble Judge was not justified in issuing the Contempt Rule.
4. We note the aforesaid direction with regard to monetary deposit has already been affirmed in MAT 690 of 2024. Due to non-compliance of such directions, contempt rule has been issued. It is open to the appellant to respond to the rule before the Hon'ble Single Judge. There is no scope to interfere with the order impugned.
5. Accordingly, the appeal is dismissed.
6. Consequently, connected application is also dismissed.
7. There shall be no order as to costs.
8. Photostat certified copy of this judgment, if applied for, be given to the parties on compliance of all formalities.

I agree.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

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