

Item No.91
29.02.2024
Court. No. 19
GB

CPAN 693 of 2022
in
WPA 5168 of 2022

Smt. Pritha Nandy
Vs
Sri Paritosh Bhaduri

Ms. Kaberi Ghosh (Dey)

...for the Applicant/Petitioner.

*Sk. Md. Galib,
Ms. Sujata Mukherjee*

...for the Alleged Contemnor.

The applicant alleges that the Officer-in-Charge, Shyampukur Police Station, violated the order of this Court dated June 13, 2022.

This Court had disposed of a writ petition alleging police inaction. The Court held that the petitioner had the liberty to pursue her remedy before the learned civil court, as she had made an allegation that the order of injunction passed by the learned civil court had been violated.

However, the court directed that the police authorities were required to ensure that the order of the civil court was obeyed. The applicant alleges that the police authorities did not take steps.

Mr. Galib, learned advocate appearing on behalf of the Shyampukur Police Station has filed a report which indicates that a vigil has been maintained and GD entries have been made. It is the specific case of the police authorities that no construction or demolition work had taken place. The Executive Engineer (Building) Department, Borough-II,

Kolkata Municipal Corporation was also approached by the police and the Kolkata Municipal Corporation intimated the police that the premises were not included in the heritage list of the Kolkata Municipal Corporation.

However, as the applicant contends that a construction is going on and there is still violation of the order of the learned civil court, the petitioner will be at liberty to approach the learned civil court in accordance with law and the learned civil court is empowered to pass necessary orders.

This order shall not be construed as an observation on the claim of the applicant of violation of the order of injunction. Such issue will be decided by the appropriate forum.

Accordingly, the contempt application is disposed of. contempt proceedings are dropped.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)