

30.07.2024

Item No.11

AB/PG

Ct. No.1

C.P.A.N. 1058 of 2024

In

W.P.A.(P) 52 of 2024

Sharwan Ganeriwala & Anr.

Versus

Kousik Sen Gupta,

Assistant Engineer (Civil), Borough-II,

Building Department, West Bengal

Municipal Corporation

Mr. Sudarshan GhoshFor the applicants

Mr. Mrinal Kanti Ghosh....For the alleged contemnor

1. This contempt application has been filed alleging willful disobedience of the order and direction dated 22nd February, 2024 passed in W.P.A.(P) 52 of 2024. The operative portion of the direction is as follows:

“3. In the light of the above, we direct the respondent no. 5 to conduct a surprise inspection of the area and issue notice to the private respondents and if any illegality is found, take action in accordance with law.

4. This direction be complied with within a period of three weeks from the date of receipt of server copy of this order.”

2. The learned advocate appearing for the respondent/alleged contemnor has produced a copy of the order dated 19th July, 2024, from which, it is seen that in terms of the directions issued, an inspection was conducted, notice has been issued and the private respondents were directed to remove and demolish the Khatal, temporary structures, tile sheds etc. at P.N. Malia Road, Raniganj, District- Paschim Bardhaman

within 7(seven) days from the date of receipt of copy of this order, failing which Asansol Municipal Corporation will be at liberty to demolish/remove the illegal khatal, temporary structures, asbestor shed, tile sheds and recover the cost and expenses which will be incurred from the private respondents for execution of demolition work.

3. Thus, it is seen that the order and direction has been complied with and we direct the municipal authorities to proceed as averred in the order dated 19th July, 2024 in accordance with law.
4. With the above observations, the contempt application is disposed of.
5. No costs.
6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)