

28.03.2024.
Item no. 62.
Court No.19
ap

CPAN 1069 of 2023
In
W.P.A. No. 20302 of 2021

Gita Das
Versus
Sri Firhad Hakim & Ors.

Mr. Syed Ehtesham Huda,
Mr. Rizwan Alam,
Sk. Aftabuddin.

...For the applicant.

Mr. Mihir Kundu,
Mr. Gopal Chandra Das.

...For the KMC.

Mr. Sanjoy Bose,
Mr. Priyankar Basu Mallick.

....For the respondent nos.10 to 12.

The alleged contemnors have filed the compliance report before this Court.

It appears that an order was passed on 22nd March, 2024 by the Special Officer (Building) in Demolition Case No. 023-D/Br-XII/22-23 dated 2nd February, 2023, upon hearing the parties and upon holding an inspection.

The applicant is aggrieved by the order on the following grounds:

(a) An entire unauthorized floor was retained only to accommodate a family of the 20 persons.

(b) No observation with regard to change of user of the property has been mentioned in the order, although this Court had specifically directed that the point of

change of user and the point of unauthorized construction, should be decided.

This Court cannot sit in appeal over the order passed by the Special Officer (Building). The jurisdiction of the Court is limited to the determination of an allegation of violation of the order of this Court. Even if the order passed is either deficient or unsatisfactory, the remedy of the applicant would be to file an appropriate application in accordance with the Statute.

It is submitted that the demolition sketch plan has not been supplied to the applicant.

Let a copy of the same be supplied to the applicant within a week from date by the alleged contemnors.

Thus, the instant contempt application is disposed of granting liberty to the applicant to proceed in accordance with law, before the appropriate forum, by raising all the issues. The contempt proceedings are dropped.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Shampa Sarkar, J.)

