

09.02.2024.
Item No. 98.
Court No. 13
ap

CPAN 1651 of 2023
In
W.P.A. No. 12156 of 2023

Sima Kayal
Versus
Mr. Rakesh Chattopadhyay, Inspector-in-charge,
Joynagar Police Station & Anr.

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal.

...For the petitioner.

Mr. Amitesh Banerjee, ld. Sr. Standing Counsel,
Mr. Suddhadev Adak.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. Contempt is alleged of the order dated 15th June, 2023 passed by this Court.
3. Inspector-in-charge, Joynagar Police Station is represented.
4. It appears from the report of the Inspector-in-charge, Joynagar Police Station that as on date there is no construction. Photographs produced by the petitioner indicates that construction has been going on indiscriminately.
5. A report of the Commissioner appointed by the Court below indicates that there has been fresh construction as on 5th February, 2024.
6. This Court is of the clear view that the construction is in violation of the order of the Civil Court and that of this Court.

7. In that view of the matter, this Court directs the Inspector-in-charge, Joynagar Police Station to demolish the construction, if any, made on the property after the order dated 18th June, 2023 passed in Title Suit No. 582 of 2021. For the purpose of carrying out this Court's order, the petitioner shall render necessary assistance to the police including the costs of any machinery and men. The demolition shall occur in presence of sufficient police personnel from the Inspector-in-charge, Joynagar Police Station.

8. The petitioner shall be entitled to recover his costs as costs in the suit in the Court below.

9. Inspector-in-charge, Joynagar Police Station shall further demolish the construction, if any, is carried out and submit a detailed report to the Civil Court.

10. In that view of the matter, CPAN 1651 of 2023 shall stand disposed of.

11. Rule, if any, shall stand discharged.

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)