

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction
(Contempt)
Original Side

CC/16/2024
with
APO /170/2023
WPO/1571/2023

BHOLA PRASAD SONKAR
-Versus-
DHABAL JAIN AND ANR.

Appearance:

Mr. Nilay Kr. Sengupta, Adv.
Mr. Ankit Agarwala, Adv.
Mr. Sujit Banerjee, Adv.
Ms. Puja Sonkar, Adv.
...for petitioner

Mr. Srijan Nayek, Advocate
Ms. Rituparna Maitra, Advocate
for KMC

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE
The Hon'ble JUSTICE APURBA SINHA RAY
Date: March 13, 2024.

THE COURT: Affidavit of service filed in Court today be kept with
the records

Supplementary affidavit filed by the petitioner in terms of leave
granted by us be also kept with the records.

Pursuant to service of this contempt application, Mr. Nayek, learned Advocate appears for the alleged contemnors.

He says that the office of the concerned Executive Engineer fell vacant and therefore, the order dated October 11, 2023 could not be implemented. Further, the petitioner's representation or the written statement of the private-respondents in the writ petition which they claim they have filed are not readily available in the records of the Corporation. If copies of such representation and written statement are made over to him, he will accept the same on behalf of his clients and make over the same to his clients. Time may be extended for the concerned Executive Engineer to implement the order dated October 11, 2023, since a new incumbent has joined that post. Mr. Nayek says that a fortnight's time would be sufficient to comply with the order.

The petitioner is directed to hand over copies of his representation made to the Executive Engineer (Building), Boroughs IV and V, Kolkata Municipal Corporation (in short, 'KMC'), as also a copy of the written statement filed by the private respondents in the writ petition along with all annexures thereto by tomorrow (March 14, 2024) to Mr. Nayek, learned Advocate for the alleged contemnors. We extend the time for the concerned Executive Engineer to comply with the order dated October 11, 2023, by three weeks from date (April 3, 2024).

In so far as the notices issued by the Administrative Officer (Building), KMC, directing the petitioner to appear before the Special Officer (Building) are concerned, the same are set aside.

Our direction was on the concerned Executive Engineer to do the needful in terms of our order and not the Special Officer (Building). The concerned Special Officer (Building) shall take no further steps in the matter.

In view of the fair stand taken by the learned Advocate for the alleged contemnors and in view of the specific submission that the order dated October 11, 2023 will be carried out within three weeks from date, we see no reason to keep this contempt application pending.

CC 16/2024 is, accordingly, disposed of.

Needless to say, a fresh notice of hearing before the concerned Executive Engineer will be issued to the parties.

(ARIJIT BANERJEE, J.)

(APURBA SINHA RAY, J.)