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ORDER SHEET

CC No.35 of 2024
Arising out of
WPO No.1527 of 2023
IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction (Contempt)
ORIGINAL SIDE

PRANAB KUMAR BASU & ANR.
Versus
SRI DHAVAL JAIN

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:11th September, 2024.

Appearance :
Mr. Alak Kumar Ghosh, Adv.
Mr. Arijit Dey, Adv.
...for Petitioners.

Mr. Gurudas Mitra, Adv.
Mr. Dwijadas Chakraborty, Adv.
....for alleged Contemnor.

The Court:- Perused the affidavit of compliance. It appears therefrom that the Municipal Commissioner, Kolkata Municipal Corporation passed an order on 3rd September, 2023 rejecting the contention of the petitioners. The petitioners submit that the Municipal Commissioner heard the matter on one occasion but thereafter the matter was heard by the Joint Municipal Commissioner but the reasoned order was passed by the Municipal Commissioner without knowing proper facts of the case.

The Executive Engineer [Building], Borough-IV & V requested the parties to produce certain deeds but the petitioners were not given any opportunity to explain the documents before the Municipal Commissioner.

It appears that the order of the Municipal Commissioner is a detailed one. The legality and correctness of the same cannot be gone into in the instant contempt application.

In view of the above, the contempt application stands disposed of.

It will be open for the petitioners to challenge the reasoned order passed by the Municipal Commissioner on 3rd September, 2023 before the appropriate forum in accordance with law, if so advised.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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