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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/260/2024
IA NO: GA/1/2024, GA/2/2024
SAURAV KUMAR DUTT
VS
AMITAVA MUKHERJEE

BEFORE :
THE HON'BLE JUSTICE JOYMALYA BAGCHI
And
THE HON'BLE JUSTICE GAURANG KANTH
Date : 9th September, 2024

Appearance :
Mr. Ujjal Ray, Adv.
Ms. Sreyanshi Majumdar, Adv.
...for appellant

Mr. Srijan Kumar Nayek, Adv.
Mr. Dwijadas Chakrabroty, Adv.
...for KMC

The Court :- By the order impugned, the contempt proceeding was dropped. Learned counsel submits, by the said order, earlier order had been modified, which is impressible in law.

We have examined the earlier order. In the earlier order, the Hon'ble Single Judge had directed inspection of the building by Executive Engineer (Civil), Building Department, Borough III, Kolkata Municipal Corporation and upon such inspection and considering the objections, if any, raised by the parties and giving them an opportunity of hearing to pass a reasoned order. The order also records if unauthorized construction is found on the premises, necessary steps

shall be taken. Alleging non-compliance of the order, contempt proceeding was initiated. In the contempt proceeding, compliance report enclosing the reasoned order was submitted. In the reasoned order, it is recorded there is an old Mandir and R.T. shaded structure and shops on the western wall of the premises. The appellant was directed to submit photocopy of the original deed and relevant documents for further investigation. With regard to shop rooms on the boundary wall of the premises, the appellant was directed to move the SWM Department and CME (Civil) Department for appropriate action.

After considering the report, the Hon'ble Judge by the impugned order disposed of the contempt proceeding. In the said order, it was clarified with regard to encroachment blocking ingress and egress to the appellant's property, appellant may approach the civil court for necessary relief.

We are of the opinion, the said direction does not alter the earlier order in any way. It merely clarifies that encroachments interfering with ingress and egress to the property may be addressed before the civil court. It is open to the appellant to avail of such remedy in accordance with law, if so advised.

With this observation, the appeal and the connected applications are dismissed.

(GAURANG KANTH, J.)

(JOYMALYA BAGCHI, J.)