

02.09.2025
Sl. No.19
PG/KS
Ct. No.1

C.P.A.N. 329 of 2025
With
W.P.A. (P) 230 of 2022

Smt. Sumitra Mondal & Ors.

Vs.

**Shri Arup Sarkar, Executive Engineer (Civil),
Environment & Heritage Department, K.M.C. & Ors.**

Mr. Gopal Chandra Ghosh

Mr. Rajkrishna Mondal

.....For the Contempt Applicants

Mr. Gurudas Mitra

Mr. G. C. Das

Ms. M. Nath

.....For the Alleged Contemnors

1. This contempt application has been filed alleging willful disobedience of the order dated 28th November, 2023 in W.P.A. (P) 230 of 2022. The operative portion of the order dated 28th November, 2023 is quoted hereinbelow:-

“6. Therefore, we dispose of this writ petition by directing the Kolkata Municipal Corporation and the other authorities to issue notice to the private respondents, conduct inspection and thereafter proceed to take action in accordance with law.”

2. A report has been filed by the Executive Engineer (C), Kolkata Municipal Corporation. The same be kept with the record. The operative portion of the report reads as follows:-

“As the owner did not pay any heed to the notice/FIR, the E&H dept. restored the filled up portion (hatched in map) at its cost. Photographs before & after (flat p) may be seen for reference. It is evident from the sketch that “Diamond club Behala” is away from the water body. Moreover, at present Diamond Club has been dismantled.”

3. Apart from that it is submitted by the learned advocate appearing for the alleged contemnors that already an application was filed for the self-same relief before the National Green Tribunal and a report has been filed before the Tribunal as well.
4. Placing the report on record, the contempt application stands closed giving liberty to the applicants to proceed afresh.
5. In the event, according to the applicants, still there are issues to be resolved, which have not been resolved by the Kolkata Municipal Corporation, it will be well-open to the applicants to avail the remedies in accordance with law.
6. With the above observation, contempt application stands disposed of.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)