

18.07.2025
Item No.16
Court No.37.
S. De

C.P.A.N. 548 of 2022
in
M.A.T. 1281 of 2021
Golam Rashid.
Vs
Binod Kumar, IAS, Municipal Commissioner,
Kolkata Municipal Corporation & Ors.

Mr. Arif Ali,
Mr. Hebzur Rahman,
...for the petitioner/applicant.
Mr. Alok Kumar Ghosh,
Mr. Subhrangsu Panda,
...for the K.M.C.

Dictated by Arijit Banerjee, J.

1. This contempt application has been filed alleging willful violation of a judgment and order dated December 3, 2021, whereby we had disposed of MAT 1281 of 2021 and the connected application. The operative portion of the said order reads as follows :

“Mr. Panda, learned Advocate, representing the Corporation has apprised us that his client has received four representations in respect of the four properties. We direct the Corporation to dispose of such representations by a reasoned order in accordance with law and the applicable rules and regulations and after giving an opportunity of hearing to all concerned parties including the private respondent and the writ petitioner. Let such decision be taken at the earliest and in any event within ten weeks from the date of

communication of this order to the concerned officer of the Corporation.

None of the observations in the order under appeal or in this order shall have any bearing on the criminal proceedings that the writ petitioner says are pending concerning the private respondent.

It is also made clear that in case the Corporation has issued stop-work “notice” in respect of any one or more of the aforesaid four properties, the Corporation shall ensure that no further construction is made thereat. In case the Corporation deems it necessary to obtain police assistance to implement its stop-work “notice”, the police shall render all co-operation and assistance.”

2. Affidavits-in-opposition have been filed by the concerned officers of Kolkata Municipal Corporation who have been impleaded as respondents. It appears that the Special Officer (Buildings) has passed several orders disposing of the demolition cases initiated by the writ petitioners in respect of the alleged unauthorized constructions said to have been raised by the private respondents in the writ petition. Demolition orders have been issued upon it being found that in fact illegal constructions have been raised.

3. We, therefore, see that the order of which violation is alleged, has been complied with. What remains is implementation of the demolition order which we are sure the Corporation will do in accordance with law.

4. We see no reason to keep this contempt application pending.

5. C.P.A.N. 548 of 2022 is, accordingly, disposed of.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)