

04.03.2025
Item No.01
PG/KS
Ct. No.1

C.P.A.N. 938 of 2024
in
W.P.A.(P) 616 of 2023

Saghir Ahmed.
Versus
Mr. Dhaval Jain,
The Municipal Commissioner,
Kolkata Municipal Corporation & ors.

Ms. Busra Khatun.....for the applicants

Mr. Alak Kr. Ghosh

Mr. Arijit Dey.....for the alleged contemnors

1. This contempt application has been filed alleging willful disobedience of the direction dated January 4, 2024 passed in W.P.A. (P) 616 of 2023. In the said order, the submission made on behalf of the Kolkata Municipal Corporation was placed on record to the effect that already stop work notices have been issued in respect of the unauthorised construction. However, since the Kolkata Municipal Corporation does not have the machinery to physically stop the work, they have requested for police help.
2. In the light of the said stand, the concerned police station was directed to provide adequate police force for the officials of the Kolkata Municipal Corporation to enforce the stop work notices.

3. The learned Standing Counsel appearing for the Kolkata Municipal Corporation on oral instructions from the concerned officer submitted that totally there are six premises, which are involved and in respect of all the premises demolition notices have been issued and in respect of four premises, demolition process is on and in remaining two premises, action will be taken.
4. Since there are six premises involved, this Court is of the view that reasonable time should be granted to the Kolkata Municipal Corporation to comply with the directions so that the illegal and unauthorised constructions are demolished, if there is no other legal impediments.
5. Accordingly, the time for compliance of the order dated January 4, 2024 is extended by a period of eight weeks from the date of receipt of server copy of this order.
6. As directed in the order passed in the writ petition, the concerned police authority should not only give adequate police assistance to the Kolkata Municipal Corporation officials to carry out the demolition process but in the event if there is any resistance by the occupants of the premises, steps should be taken by the police to evict those occupants as well.
7. With the aforesaid directions, the contempt application stands disposed of.
8. No costs.

9. 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

(SUPRATIM BHATTACHARYA, J.)