

04.03.2025

Sl. No.02

Cp

CPAN No. 1039 of 2022
In
WPA 16627 of 2021

Shanti Sarkar (Shaw)

Vs.

Sri Swapan Kundu, The Commissioner,
Chandannagar Municipal Corporation & Anr.

Mr. Sanjay Kumar Sarkar,
Ms. Sayani Sarkar

... for the Applicant.

Mr. Suman Basu,
Ms. Debapriya Ghosh

... for the Alleged Contemnors.

In the last line of the order dated February 21, 2025, the expression 'petitioner/applicant' be corrected as 'the alleged contemnor'. The other part of the said order shall remain unaltered.

The department is directed to do the needful.

The report, as directed to be filed by order dated February 21, 2025, is taken on record. The present incumbent to the post of Commissioner, Chandannagar Municipal Corporation has filed the report stating in detail, the steps that were taken for demolition of the alleged unauthorized construction and restoration of the water body. Learned advocate for the applicant submits that partial demolition had taken place.

The demolition report and the compliance report signed by each and every senior official of the municipal

corporation, service of notice prior to the demolition work issued to the respective parties and other documents are available from the record. The photographs show that permanent structures have been demolished. Notice was issued to the Inspector-in-charge, Chandannagar Police Station for assistance during the process of removal of the unauthorized construction.

Under such circumstances, this court cannot hold that there has been intentional and flagrant violation of its order. This court is of the view that the contempt application should be disposed of upon dropping the contempt proceedings, but by granting liberty to the petitioner to proceed in accordance with law with any further grievance that the petitioner may have with regard to self-same issue.

Although it is submitted that the water body has been restored by the corporation, and as such, proceedings under the Inland Fisheries Act, 1984 was not required to be initiated. Upon further assurance of Mr. Basu, learned advocate that the Commissioner shall act on the basis of the provisions of law as discussed hereinabove, this court directs that the Commissioner should be allowed to purge the contempt by initiating proceedings under the said Act, in accordance with law, upon hearing both the parties and by passing a reasoned order.

Accordingly the contempt application is disposed of.

The contempt proceedings are dropped.

(Shampa Sarkar, J.)