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ORDER SHEET

CC No.14 of 2025
WPO No.266 of 2024
IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction (Contempt)
ORIGINAL SIDE

MD. NASEER ALIAS NASSER ALIAS NASIR
VS
ARUP KUMAR SAHA & ANR.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 7th March, 2025.

Appearance:
Mr. Alak Kumar Ghosh, Adv.
Mr. Pradyot Kumar Nandi, Adv.
Ms. Manisha Nath, Adv.
Ms. Subhra De, Adv.
...for Petitioner.

Mr. Arijit Dey, Adv.
...for Alleged Contemnors.

1. I have heard the submissions made on behalf of both the parties.
The report of inspection prepared by the engineer of the petitioner is taken on record.
2. Prima facie, upon hearing the parties, it appears that the order of the Court has been substantially complied with.
3. The petitioner alleges that the contemnors have not made construction in accordance with the plan sanctioned by the Kolkata Municipal Corporation. The aforesaid allegation stands disputed by the learned advocate representing the alleged contemnors.
4. The petitioner also alleges that there has been curtailment in the position of the shop room of the petitioner. The same has been disputed by the learned advocate representing the alleged contemnors. According to the alleged contemnors, construction has been made in accordance with the plan sanctioned.

5. As prima facie, the Court is satisfied that there has not been any wilful, deliberate or intentional violation of the Court's order, accordingly, the Court is not inclined to proceed with the contempt application any further.
6. It has been brought to the notice of the Court that a writ petition has been filed alleging illegal construction made by the alleged contemnors. It will be open for the petitioner to raise all issues before the said forum.
7. The contempt application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)