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IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION
(CONTEMPT)
ORIGINAL SIDE

CC/78/2025

GANESH TIWARI
VS
DHAVAL JAIN & ORS.

BEFORE :
THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNANAM
-A N D-
HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
DATE : 2nd September, 2025

Mr. Saptangsu Basu, Sr. Adv.
Mr. Aritra Shankar Ray, Adv.
...for petitioner
Mr. Alak Kumar Ghosh, Adv.
Mr. Arijit Dey, Adv.
...for respondent/contemner

The Court : This contempt application has been filed for willful disobedience of the order and direction dated November 27, 2024 in WPO(P) No. 3 of 2024. The operative portion of the order reads as follows :-

“Thus, without going into any of the allegations made by the petitioner against the private respondents, we dispose of this writ petition by directing the Commissioner, Kolkata Municipal Corporation, to consider the petitioner’s representation dated 24th May, 2024 and direct one of its officers to conduct a surprise inspection in the building and examine any planning permission was obtained and if not obtained, appropriate actions be initiated under the Kolkata Municipal Corporation

Act. If planning permission had been obtained, the authority should also consider as to whether the building has been put up in accordance with the sanctioned plan, if not, action should be initiated.

The petitioner is directed to submit another representation enclosing copy of the earlier representation dated 24.05.2024 as well as the copy of this order and personally appear in the office of the Kolkata Municipal Corporation and handover the representation after which the authority shall comply with the above direction.

The direction be complied within a period of 12(twelve) weeks from the date on which the representation is received in the office of the Municipal Corporation.

Needless to state that after this surprise inspection if any action is being initiated, it should be only after issuing notice to the respondent nos. 8, 9 and 10 as well as the occupants of the building, if any, in accordance with law.”

In terms of the directions issued, the applicant/writ petitioner has submitted another representation enclosing copy of the earlier representation dated 24.5.2024 as well as copy of the order passed in the writ petition by personally appearing in the office of the Kolkata Municipal Corporation. In spite of the petitioner having complied with the same, the authorities of the Kolkata Municipal Corporation have not complied with the direction though a time-limit of 12(twelve) weeks has been stipulated.

Very recently the Hon’ble Supreme Court has expressed grave concern about several unauthorized constructions which have been done in Kolkata and this Court has been directed to look into the matters and pass effective

orders so that the illegal constructions can be removed. From the photographs annexed along with the application, more particularly in pages 60 to 63, it is seen that the construction consists of G+6 floors. The allegation made by the applicant is that the entire construction is wholly unauthorized. It is not clear as to why the officials of the Kolkata Municipal Corporation have not inspected the building when the construction was going on. It is also not clear as to whether there is any requirement in terms of the orders passed by the Kolkata Municipal Corporation displaying the planning permission details by way of a board in front of the proposed construction. If such requirement is already in place and if the board is not installed, the Kolkata Municipal Corporation can take action. If the board is installed, full details are to be given so that any official of the Kolkata Municipal Corporation or passersby can verify with the ongoing construction in detail whether there is any clear violation or not.

Therefore, we may not be wrong in taking a prima facie view that the officials of the Kolkata Municipal Corporation have turned a blind eye to such illegalities. It would not have been difficult for this Court to initiate action for contempt and also punish the officials but that will not solve the problem and put an end to the illegal activity as alleged by the petitioner. Therefore, we direct the implementation of the order passed in the writ petition.

Mr. Ghosh, learned Counsel appearing for the Kolkata Municipal Corporation, submitted that the Kolkata Municipal Corporation will comply with the order and the time may be extended.

Thus, considering all the facts and circumstances, time stipulated in the order dated 27.11.2024 is extended by a period of three weeks from date and the inspection should be carried out and appropriate action should be taken in the event it is found that the construction is unauthorized.

With the above observation, the contempt petition is disposed of.

In the event the officials of the Kolkata Municipal Corporation do not comply with the direction within the time permitted, the applicant is granted liberty to revive this contempt application by filing an appropriate application for necessary relief.

Upon completion of investigation if the Kolkata Municipal Corporation comes to the conclusion that the building is unauthorized or any part of the building is unauthorized, the electricity connection, if given to the building and the water supply and drainage connection shall be cut off.

(T.S. SIVAGNANAM, C.J.)

(HIRANMAY BHATTACHARYYA, J.)