

ORDER SHEET

CC No.97 of 2025
Arising out of
WPO No.388 of 2024
IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction [Contempt]
ORIGINAL SIDE

ABHINANDAN DUTTA & ORS.

-VS-

EXECUTIVE ENGINEER (BUILDING), BOROUGH-VI,
KOLKATA MUNICIPAL CORPORATION.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 24th November, 2025.

Appearance:
Mr. Dilip Kumar Ghosh, Adv.
...for the petitioners.

Mr. Gurudas Mitra, Adv.
Mr. Dwijadas Chakraborty, Adv.
Ms. Gulnaz Quraishi, Adv.
...for the KMC.

1. The petitioners allege violation of the direction passed by the Court in respect of dealing with the unauthorised constructions in premises nos. 32 & 33, Ismail Street, Kolkata – 700014.
2. The contemnor/Kolkata Municipal Corporation asserts that there has been no violation of the order as alleged.
3. I have heard the submissions made on behalf of both the parties.
4. From the report filed by the Corporation it appears that there is no existence of premises no. 32, Ismail Street.
5. To deny the aforesaid stand, the petitioners have annexed photographs in the exception to the said report that there is existence of premises no. 32/H/10, Ismail Street. There is no document to show existence of

premises no.32, Ismail Street. In the absence of proper evidence that there is unauthorized construction in premises no. 32, the allegation of violation of the Court's order cannot be substantiated.

6. In respect of premises no. 33, the petitioners rely upon photographs of the year 2013 in support of the submission that unauthorised construction exist at the said place.
7. Learned advocate for the Corporation has produced recent photographs to show that 33, Ismail Street is an absolute vacant plot of land. Such disputed question of fact cannot be adjudicated by the writ Court.
8. The Court is not convinced with the submission made by the petitioners that there has been violation of the order passed by the Court.
9. The Court is, accordingly, not inclined to pass any order in the contempt application.
10. The contempt application stands disposed of.
11. It will be open for the petitioners to approach the competent forum for further remedy in accordance with law, if so advised.
12. Exception to the report in the form of affidavit filed by the petitioners in Court today is taken on record.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)