

07.01.2026.
Item No. 4.
Court No. 13
pk

CPAN 1771 of 2025
M/s. Sreemoyee Construction Pvt. Ltd. & Anr.
Versus
Sri Dhaval Jain, Municipal Commissioner, Kolkata
Municipal Corporation & Ors.
In
F.M.A. No. 314 of 2015
Kolkata Municipal Corporation & Ors.
Versus
State of West Bengal & Ors.

Mr. Saptangsu Basu,
Mr. Sandip Kumar De,
Mr. Souvik Sana

...For the applicants.

Mr. Achintya Kumar Banerjee,
Mr. Nilotpal Chatterjee,
Ms. Manisha Nath.

...For the KMC.

1. The Court has considered the affidavit filed by the alleged contemnor/Municipal Commissioner of the Kolkata Municipal Commissioner (KMC).
2. The KMC has not been able to indicate to this Court as to who has constructed the iron grill surrounding the property of the applicants/writ petitioners/appellants.
3. The fact, however, remains that the entire property which includes water body belongs to the applicants. The KMC and the State are required to ensure that the water body remains as such and is not filled up by the applicants or any person.
4. Having regard to the above, by consent of the parties, the following orders are passed:

- (a) The Fisheries Department of the State shall depute a competent officer to earmark the water body-in-question and the vacant land surrounding the water body. Such exercise may be done in the presence of the officials of the KMC and the representatives of the applicants/writ petitioners.
 - (b) The disiltation of the water body, as may be demarcated by the Fisheries Department, shall be carried out by the Department of Fisheries themselves in the presence of the officials of the KMC and the applicants/writ petitioner. The cost of the same shall be borne by the applicants/writ petitioner.
 - (c) The plot containing the water body and land appertaining thereto along with the iron grill fencing shall be handed over to the applicants/writ petitioners/appellants by the KMC forthwith. The writ petitioners/applicants shall be entitled to enter into the property at their free will. The responsibility of securing the property shall lie with the applicants/writ petitioners.
5. It is expected that the aforesaid demarcation and disiltation are carried out within two months from date. The applicants/writ petitioners shall be entitled to make sufficient alterations to the iron grill to enable him to enter into the property.

6. The applicants/writ petitioners undertake before this Court to maintain the water body after appropriate disiltation by the Fisheries Department. The applicants/writ petitioners may take steps in respect of the open land not included in the water body as it may deem fit.

7. This Court, however, express anguish at the KMC in having allowed an iron grill to be constructed around the private property of the applicants/writ petitioners. The KMC does not know who constructed the same.

8. The alleged contemnors are warned against such conduct and shall take appropriate note of the same.

9. Since the aforesaid order has been passed in contempt jurisdiction with the consent of the parties, the previous orders passed in the appeal shall accordingly stand modified.

10. With the aforesaid observations, the contempt application is disposed of. Rule, if any, shall stand discharged.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)