

06.03.2026
Item No.53.
Court No.8
S. De
266045

C.P.A.N. 1207 of 2024
in
F.M.A. 445 of 2024
Paula Kausiki Basak.
Vs
Sujay Sarkar.

Mr. Somnath Roy chowdhury,
Ms. Arpita Chowdhury,
...for the applicant/appellant.

Mr. S. Bandapadhyay,
Mr. Arka Kr. Nag,
Mr. Tirthankar Dey,
...for the B.M.C./alleged contemnors.

Dictated by Arijit Banerjee, J.

1. Supplementary affidavit filed on behalf of the petitioner, be kept with the records.
2. This contempt application has been taken out alleging willful violation of a judgment and order dated April 8, 2024, whereby we had disposed of FMA 445 of 2024. The operative portion of the said judgment and order reads as follows :

“We have considered the rival contentions of the parties. The appellant, rightly or wrongly, has made a representation to BMC. BMC shall consider such representation and take a decision thereon after local inspection. We merely clarify that such inspection shall not only be in respect of the tin structure but

in respect of other portions mentioned in the representation. The inspection shall be done upon prior notice to the appellant and the private respondents who will be entitled to be present at the time of inspection. A hearing shall also be granted thereafter by the competent authority in BMC to both the appellant and the private respondents or their authorized representatives. If BMC finds any unauthorized construction, it shall take necessary steps in accordance with law.

The entire exercise will be completed within twelve weeks from the date of communication of this order by the appellant to the respondent no.2 being the Commissioner, BMC.”

3. Learned advocate for the petitioner says that apart from an attempted inspection of the property in question, which also failed, nothing has been done in terms of the aforesaid order.
4. Let service of this contempt application be effected on the alleged contemnors and affidavit-of-service be filed in Court on the next date.
5. List this matter once again on March 20, 2026.
6. At this stage, learned advocate appears for the alleged contemnors and seeks time to obtain instructions. Let a copy of the contempt petition

and a copy of the supplementary affidavit be made over also to learned advocate who appears today to enable him to obtain necessary instructions.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)