

D/L 82
12.06.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION

CPAN 1349 of 2023

In

WPA 15703 of 2022

Moulita Ganguly & Ors.

Vs.

Ahmad Sayeed

Mr. Koushik De
Mr. Sanjib Kumar Dawn

... for the Petitioners.

Mr. Arabinda Chatterjee, Sr. Adv
Mr. Arkadipta Sengupta
Mr. Tirthankar Dey

...for the Contemnor.

Mr. Sounak Bhattacharya
Mr. Abhirup Halder

...for the Corporation.

1. The building permit dated 6th May, 2025 issued in favour of the contemnor by the Corporation placed before this Court clearly records that the permit has been issued for erection for residential purpose only.
2. Learned senior counsel representing the contemnor asserts that the Corporation has sanctioned the building plan for mixed use for residential and commercial purpose.
3. The aforesaid contention of the contemnor is categorically denied by the learned advocate representing the Asansol Municipal Corporation. Record is sought to be produced in support of the submission that the contemnor applied for obtaining sanction for construction of residential building.

4. The petitioners are out of livelihood for a considerable period of time. The petitioners had foregone the compensation amount only because of the undertaking given by the contemnor before the Court that the newly constructed structure will be handed over to the petitioners by 15th August, 2023.
5. It appears that the contemnor applied for obtaining sanction for raising construction in the year 2025. Several alibis are given by the contemnor in support of the submission that the contemnor was not responsible for the delay in obtaining sanction. Presently, the construction has started and the contemnor, who is personally present in court submits that, it will take approximately six months for handing over possession to the petitioners.
6. To ascertain as to whether the sanction has been granted for residential purpose or for mixed use, hearing of the contempt application stands adjourned till 24th July, 2025.
7. Learned advocate for the Corporation shall take necessary instruction.
8. The construction shall continue uninterruptedly so that no further delay is caused to hand over the constructed portion to the petitioners.
9. The issue of providing compensation to the petitioners shall be taken up for consideration on the adjourned date.

(Amrita Sinha, J.)