

CC/11/2025

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

SYED IMTEYAZ HUSAIN

-Versus-

DHAVAL JAIN AND ORS.

BEFORE :  
THE HON'BLE JUSTICE ARIJIT BANERJEE  
And  
THE HON'BLE JUSTICE APURBA SINHA RAY  
Date : 13<sup>th</sup> February, 2025

Appearance:  
Mr. Syed H. Huda, Adv.  
Mr. Sk. Aptabuddin, Adv.  
...for the petitioner.

Mr. Alak Kumar Ghosh, Adv.  
Mr. Gopal Chandra Das, Adv.  
...for the KMC.

The Court: This contempt application has been taken out alleging wilful violation of the judgment and order dated April 2, 2024 whereby APOT/161/2023 (Syed Imteyaz Husain Vs. The Kolkata Municipal Corporation & Ors.) was disposed of by this Bench. The operative portion of the said order reads as follows:

*“In view of the aforesaid, we direct Arsalan to carry out the directions contained in paragraphs 2 to 4 of the operative portion of the order of the Special Court (Building), KMC, dated June 17, 2019, within a month from date and file a report before the competent authority in KMC indicating compliance of the order. In any event, after a month from date, the concerned officers of KMC shall inspect the property in question to ascertain whether the aforesaid directions have been carried out by Arsalan. If they find that the directions*

*have been given effect to, the matter would end there. If KMC finds that such directions have not been carried out by Arsalan, KMC shall carry out such directions at the cost of Arsalan.*

*We further clarify that the directions (a), (b), (c) and (d) on the last page of the Special Officer's order shall also be carried out by Arsalan within a month from date, failing which appropriate steps should be taken by KMC against Arsalan, in accordance with law."*

Learned Advocate for the petitioner says that in spite of due communication of the order, the alleged contemnors have not complied with the same.

Let service of this contempt application be effected on the alleged contemnors and affidavit of service be filed in Court on the next date. Let a copy of this contempt petition be also made available to Mr. Ghosh, learned senior Counsel who has entered appearance on behalf of the alleged contemnors.

List this matter four weeks hence (March 13, 2025).

We clarify that pendency of this application shall not stand in the way of the alleged contemnor complying with the order in question. If, before the next date, the order in question stands complied with by the alleged contemnors, compliance report should be filed in Court.

(ARIJIT BANERJEE, J.)

(APURBA SINHA RAY, J.)