

IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction
APPELLATE SIDE

WPCRC 127 of 2008

In
WPA 10009 of 2004

Bengal Brickfield Owners' Association
Vs.
Khandokar Ittihadul Islam & Anr.

Mr. Pinaki Ranjan Chakraborty
... For the applicant/petitioner.

The contempt petition arises out of an order dated 2nd February, 2007 passed in WP 10009(W) of 2004. The operative portion of the said order is setout hereunder for convenience.

“Hence, as it has been held that after 1957 enactment, the subject regarding mines and minerals has come to be occupied by the Parliament and the State no longer is capable of enacting law relating to minor minerals as has been done under West Bengal Land Reforms Act, 1955 made under List II of the seventh schedule and as the West Bengal Land Reforms and Tenancy Tribunal cannot adjudicate any matter relating to rent and/or tax and/or land revenue upon such minerals since it has no legislative competence. The notifications appearing from pages 24 to 30 cannot be sustained and, therefore, are set aside and quashed.

The writ petition is allowed accordingly”.

The petitioner says despite such order, a demand notice was issued for the outstanding land

revenue on 21st January, 2008. This prompted the petitioner to file the instant contempt petition. The petitioner further says that subsequent to the issue of Rule in the contempt proceeding the contemnors have issued a further notice cancelling the earlier notice dated 21st January, 2008. There is, as such, no live issues to keep the contempt petition pending.

The contempt proceeding is dropped. The contempt petition is disposed of without any further order.

The Rule stands discharged.

(Arindam Mukherjee, J.)