

01 15.07.22

Ct. No. 04

Akd

C.R.C. 11 of 2022 (CPAN 123 of 2022)

in

M.A.T. 668 of 2016

Sukanta Pal

Vs.

Smt. P. Deepap Priya & Ors.

Mr. Swapan Kumar Kar.

... for the petitioner.

Mr. Lalit Mohan Mahata,

Mr. Prasanta Behari Mahata.

... for the contemnors.

Pursuant to the Rule issued upon the alleged contemnors, they are personally present in Court today.

By an order dated 9th March, 2021 this Court directed the State to purchase the land in question within a period of five months from the date in terms of the Memo No. 756-LP/1A-03/14 (Pt-II) dated 25th February, 2016 and pay the sale proceeds to the person/persons legally entitled to receive the same.

On the last occasion when this matter appeared in the list, the applicant filed the affidavit of service evincing the service to have been effected upon the alleged contemnors, but there was no appearance on their behalf nor any explanation was offered in this regard. This Court issued the Rule holding prima facie that the alleged contemnors have willfully and deliberately violated the aforesaid order and have not shown a least respect to the sanctity and majesty of the Court.

When the matter is taken up today, Mr. L. M. Mahata, learned Advocate, representing the alleged contemnors, submits that the said order dated 9th

March, 2021 has been complied with though belatedly and after execution and registration of the sale deed the sale proceeds have been handed over to the vendor.

Mr. Kar, learned Advocate appearing for the applicant, submits that the tenet of the order dated 9th March, 2021 would reveal that the said sale proceeds are to be distributed amongst the persons/persons legally entitled to receive the same. He submits that the sale proceeds were given to one of the Shebaites of the Debattar Estate excluding the others.

It appears from the respective stand of the parties that there is a dispute over the entitlement of legal rights creating in them in respect of usufruct of the Debattar Estate.

Since the person whose name appeared in the Record of Rights and the sale deed has been executed by him in favour of the State and consideration money was paid, therefore, so far as the State is concerned, they are exonerated from the responsibility entrusted upon them in terms of the said order.

Since the dispute appears to be amongst the persons claiming right in respect of the Debattar Estate, it is open to them to ventilate such grievance in an appropriate forum. If such approach is made, the competent Court/forum would decide the same independently without being influenced by any observations made in the instant order and the same shall not be construed as recognition of the right in favour of a person to whom the consideration money was paid.

Since the compliance has been made though belatedly and we are satisfied with the explanations offered in this regard, we do not intend to proceed with the instant contempt proceeding.

The Rule is discharged.

The contempt application being CPAN 123 of 2022 is dismissed.

There will be no order as to costs.

(Harish Tandon, J.)

(Kausik Chanda, J.)