

1st March,
2024
(AK)
03

C.P.A.N 771 of 2023
In
WPA 9382 of 2022

Subhas Samanta
Vs.
Mr. Purnendu Majhi and others

Mr. Sk. Jayeed Hossain
...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
...for the alleged contemnors.

1. The alleged contemnors file a compliance report annexing a photograph which indicates that the debris have been substantially removed from the plot-in-question.
2. However, learned counsel for the petitioner submits by placing reliance on his own photographs that the plinth level construction still exists on the said property.
3. It transpires from a perusal of the photographs filed by the parties that the respondent authorities, that is, the alleged contemnors have sufficiently complied with the direction of this court, which was to remove the unauthorized construction from the plot adjacent to the petitioner's property.

4. As such, it cannot be said further that there was willful and deliberate violation of this court's order.
5. Accordingly, there is no need to proceed further with the contempt.
6. CPAN 771 of 2023 is, accordingly, disposed of.
7. If the petitioner is further aggrieved by obstruction to the ingress and egress to his property, which is a civil right, the petitioner will be at liberty to take appropriate steps, since the present contempt application is not the appropriate forum to ventilate such grievance.

(Sabyasachi Bhattacharyya, J.)