

Sl. No.191
04.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPCRC No. 87 of 2022

In
WPA 10706 of 2021

Rouf Mallick & Anr.

v.

Smt. Arifa Mondal

Mr. Gautam Banerjee

... for the petitioners

Mr. Devajyoti Barman

Ms. Sanjukta Basu Mallick

... for the contemnor/respondent

The Pradhan, Smt. Arifa Mondal, is personally present in Court. An affidavit of compliance has been filed in Court wherefrom it appears that the Pradhan has detected that there has been illegal and unauthorised construction by the private respondent and the Pradhan has passed an order on 3rd August, 2022 and has forwarded the report to the Sub Divisional Officer, Purba Bardhaman for taking necessary steps for dealing with the unauthorised construction.

Learned advocate for the petitioners raise an issue with regard to encroachment made by the private respondent at the time of making construction. It has been submitted that the private land of the petitioner has been encroached by the person responsible for making construction and the petitioners are armed with the

report of the Amin in support of the aforesaid statement of encroachment.

The issue of encroachment cannot be adjudicated either by the Pradhan or by this Court sitting under Article 226 of the Constitution of India.

In view of the above, application for contempt stands disposed of.

The petitioner will be at liberty to approach the appropriate forum for deciding the issue of encroachment in accordance with law, if so advised.

Personal appearance of the alleged contemnor, Smt. Arifa Mondal stands dispensed with.

Contempt Rule stands discharged.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)