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CPAN 661 of 2021
in
WPA No. 1943 of 2021

(Via Video Conference)

Prasanta Mondal & Anr..
-vs.-
Debabrata Dhal

Ms. Sanghamitra Nandy
...for the petitioners

Mr. Chandi Charan De,
Mr. Anirban Sarkar
...for the alleged contemnor

The allegation levelled in the present contempt application is primarily that, in violation of the order dated February 25, 2021 passed by this Court, the alleged contemnor has been sitting tight over the matter. Only after the contempt proceeding was initiated, the alleged contemnor tried to make an eye-wash by referring the matter to the appropriate authority and taking out an application under Section 50 of the West Bengal Land Reforms Act, 1955.

However, it is alleged by learned counsel for the petitioners that appropriate consideration of the representation of the petitioners was not undertaken, nor was any specific intimation given in that regard to the petitioners by the alleged contemnor.

Learned counsel appearing for the alleged contemnor files a “partly compliance report” in the form of affidavit, where it has been disclosed, inter alia, that the alleged contemnor has taken appropriate action for arranging a joint inspection for demarcation of government land in the concerned area. That apart, subsequently, a joint inspection was held and the matter has ultimately been referred before the appropriate authority under Section 50 of the West Bengal Land Reforms Act, 1955.

Hence, it is submitted that there is no contempt of the order of this Court.

It appears from the materials-on-record and the annexures to the contempt application as well as the compliance report filed by the alleged contemnor that there has been substantial compliance of the order of this Court insofar as the alleged contemnor took initiative to have a joint inspection for demarcation of the land-in-question and taken steps pursuant to the representation of the petitioners by ultimately referring the matter to the appropriate authority under Section 50 of the 1955 Act.

Hence, this Court is satisfied that the acts of the alleged contemnor do not amount to contumacious actions and, as such, the contempt application need not be proceeded with further.

Accordingly, CPAN 661 of 2021 is dismissed without, however, any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)