

Sl. No.8
22.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

CPAN No.857 of 2021

In
WPA 10332 of 2020

Soumya Sahu
v.
Sahanara Begum

Mr. Prabhat Kumar Srivastawa

Mr. Subhamoy Patra

... for the petitioner

Mr. T. Goswami

Mr. D. Pattanayak

... for the contemnor

An affidavit of compliance has been filed in Court. It appears therefrom that in compliance of the order passed by this Court the Pradhan of the Gram Panchayat considered the representation filed by the petitioner and granted opportunity of hearing to the petitioner as well as the other necessary parties.

In the affidavit of compliance, the Pradhan has annexed an enquiry report dated 6th September, 2022.

On perusal of the same, it appears that the Pradhan has come to an opinion that no unauthorised construction has been made. Though the document is described as an enquiry report, but the reasoning as to why the Panchayat refused to accept the contentions of

the petitioner for unauthorised construction is clearly mentioned therein.

The petitioner submits that construction has been made over the private land of the petitioner.

The issue of encroachment is not to be decided by the Pradhan but by the competent Civil Court. In the event, the petitioner is aggrieved by the decision of the Pradhan, it will be open for the petitioner to approach the appropriate Court for relief. It does not appear that there is any deliberate attempt on the part of the contemnor to flout the order passed by the Court.

In view of the above, there is no requirement of proceeding with the contempt application any further.

The contempt application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)