

15.12.2022
Court No. 19
Item no.30
CP

CPAN 848 of 2022
in
WPA No. 5854 of 2021

Haripada Mula
Vs.
Shri Amarnath K. & ors.

Mr. Bhagbat Chaudhuri
...for the applicant.

Mr. Pantu Deb Roy
Mr. Himadri Sikhar Chakraborty
Ms. D. Dutta

...for the alleged contemnors.

The petitioner is trying to use the contempt jurisdiction to arm-twist the police authorities and also the other authorities who had allegedly allowed implementation of certain schemes under the MGNREGA project. The petitioner had moved this court by filing WPA 6836 of 2018. The said writ petition was disposed of by a Coordinate Bench with the observation that the Officer-in-Charge, Patashpur Police Station must ensure that the writ petitioner and his family members were able to live peacefully and without any disturbance.

Alleging inaction of the police authorities a writ petition being WPA 5854 of 2021 was filed. This court disposed of the writ petition on July 6, 2022 with an observation that the police authorities shall ensure that the petitioner can live peacefully in his

residence. It was further directed that if the petitioner filed further complaint, the same shall be disposed of in accordance with law.

The petitioner filed a complaint pursuant to the order of this court on July 11, 2022 as also on July 16, 2022. The complaints were received by the police authorities. The complaints were diarised. The petitioner informed the police that his neighbours Narayan Chandra Jana and others had disturbed his enjoyment of the lands in question. He prayed for necessary help from the police authorities so that he could live peacefully at Talchitkini under Patashpur Police Station. SI, Milan Dolai was asked to make an enquiry. During such enquiry it was learnt that the petitioner was not residing in the said village since 2011 and he lived within the jurisdiction of Sabang Police Station. He was working there. Further local enquiry was conducted and it was found that there was a dispute with regard to the enjoyment of the land between the petitioner and some of his neighbours pertaining to Dag No. 35 of Mouza – Talchitkini, J.L. No. 182. A major portion of the land was destroyed due to floods.

Several prosecutions under Section 107 of the Cr.P.C. were submitted against those persons with whom the petitioner had disputes. The petitioner is now a permanent resident of Benidighi.

On September 3, 2022 the petitioner visited the police station and met the Officer-in-Charge, Patashpur Police Station as also SI, Milan Dolai. The prayer of the petitioner was that as and when the petitioner wished to live at Talchitkini, necessary police assistance should be provided. A copy of the letter was forwarded to the Block Development Officer, Patashpur – II Block by the police authorities.

The complaint which has been filed before the court and in respect of which the petitioner alleges inaction also discloses disputes with regard to the lands, fisheries etc. These issues cannot be decided by the police authorities. The police authorities have already taken steps to enquire into the matter.

Admittedly, the petitioner is not a resident under Patashpur Police Station. The police authorities have further submitted that the house and the land of the petitioner was badly damaged during flood and there was not scope for the petitioner to reside in the said premises.

For the purpose of disposal of the contempt application, the above information is sufficient. The court does not find any deliberate and wilful disobedience on the part of the Officer-in-Charge, Patashpur Police Station.

The report filed by the Officer-in-Charge, Patashpur Police Station as also the prosecution report which was filed pursuant to the complaints lodged by the petitioner against some of the neighbours, are taken on record.

The contempt application is disposed of accordingly.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)