

140-141
16.06.2022
TN

CPAN 1016 of 2021
In
WPA No.4520 of 2020

Sri Padmolochan Paria
Vs.
Sri Kajal Sinha

Mr. Bharat Ch. Simai

.... for the petitioner

Ms. Sipra Majumdar,
Ms. Srilekha Bhattacharyya

.... for the alleged contemnor

Learned counsel appearing for the alleged contemnor hands over a statement of facts authored by the Assistant Engineer (P.W.D.), Kharagpur Sub-Division. The said statement clearly indicates that on successive occasions (at least twelve), the Assistant Engineer (P.W.D.) had taken steps for removal of the encroachers from the land-in-question, in terms of the order of this court.

Ultimately, since the encroachment was not removed, the Sub-Divisional Executive Magistrate, Kharagpur Sub-Division was requested vide Memo No.429/KSD dated June 01, 2022 to take necessary

action as per Section 10 of the West Bengal Highway Act, 1964 for removal of unauthorised encroachment.

The said statement of fact filed today be kept on record.

In such view of the matter, there is no scope of issuing a Rule of Contempt against the alleged contemnor, since the direction of the court has been substantially complied with.

It is expected, however, that the Sub-Divisional Executive Magistrate, Kharagpur Sub-Division shall act on the server copy of this order and expedite the disposal of such proceeding, if already initiated, with regard to encroachment by encroachers on the land-in-question. If not initiated till date, the Sub-Divisional Executive Magistrate shall initiate such proceedings as expeditiously as possible and also endeavour to dispose of the same at the earliest.

Accordingly, the contempt application, bearing CPAN 1016 of 2021, is disposed of.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)