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05.08.2022.
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C.P.A.N. 725 of 2020
in
W.P.A. No. 16307 of 2019

Dipankar Roy
Vs.
Debarshi Dutta & Ors.

Mr. P.S. Deb Barman,
Mr. Sakhawat Khandakar,
Mr. Md. Nazar Chowdury
...for the petitioner

Mr. Amitesh banerjee,
Mr. Suddhadev Adak
...for the alleged contemnor
nos. 1 and 3

Learned counsel appearing for the petitioner contends that vide order dated February 13, 2020 passed in W.P. No. 16307(W) of 2019, this Court had directed the respondent no. 12 in the writ petition, that is, the Officer-in-Charge, Gangarampur Police Station, to deploy adequate police force to remove the encroachment from the disputed land, “over which the petitioner has been granted the right of ingress and egress”, immediately, preferably within a week from that date.

It is contended that, by reading in conjunction with the primary relief sought in the writ petition, the tenor of the direction was that the police-authorities would assist the Highway-Authorities in removing the entire unauthorized construction-in-question.

Hence, since the Highway-Authorities failed in their duty to point out the entire encroachment which is to be demolished, the said authorities are guilty of contempt of the said order deliberately.

Learned counsel appearing for the alleged contemnor nos. 1 and 3 submits that, on a proper interpretation of the order said to be in contempt, the respondent no. 12, that is, the Officer-in-Charge, Gangarampur Police Station, was directed to deploy adequate police force to remove the encroachment from the land only pertaining to which the petitioner in the writ petition had been granted the right of ingress and egress and not the entire structure, as alleged by the petitioner.

Upon hearing learned counsel for the parties, it transpires that the interpretation attributed to the order by learned counsel for the alleged contemnor nos. 1 and 3 is quite acceptable. The use of the expression “over which the petitioner has been granted the right of ingress and egress” qualifies the direction on the police officials to deploy adequate police force to remove such portion of the encroachment.

That apart, the question raised in the present contempt application is required to be dealt with on evidence, perhaps in a separate legal proceeding on a wider footing.

While deciding the contempt application, the Court has to see whether the order-in-question was

prone to any other interpretation, which might have alleviated the alleged contemnors from the allegation of contempt.

In the present case, since there was ample scope of interpretation of the order otherwise than that submitted by the petitioner, no contempt lies.

Accordingly, C.P.A.N. 725 of 2020 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.)