

Item No. 18
23.03.2023
Court. No. 19
GB

CPAN 44 of 2022
In
WPA 12994 of 2021

Pranab Kumar Dey
Vs
Juthika Paul Pradhan

*Mr. Soumen Kr. Dutta,
Mr. Suman Saha*

...for the Applicant.

*Mr. S.K. Haldar,
Mr. Arun Ghutgutia,
Mr. A.K. Sarkar*

...for the Alleged Contemnor.

*Mr. Anirban Saha,
Mr. Achintya Kr. Biswas*

*...for the Respondent No.6
(In WPA 12994 of 2021)*

Upon perusal of the compliance report filed by the Pradhan, Belda-II Gram Panchayat, the Court is of the view that there is no deliberate and willful violation of the order of this Court. The panchayat authorities found that the construction was beyond the plan that had been sanctioned by the panchayat authorities.

Today, the learned advocate for the person responsible for the said construction has filed some documents. These documents show that the construction had been done on the basis of a permission and sanction granted by the Paschim Medinipur Zilla Parishad.

Thus, the Court does not find any reason to keep the contempt application pending. The panchayat authorities had complied with the order and found deviations. Now, the issue which is to be adjudicated is whether the Zilla Parishad

had rightly issued the alleged sanction or permission. This point gives rise to a fresh cause of action and is not a part of the contempt application.

The contention of Mr. Dutta, learned advocate for the applicant that the Zilla Parishad could not have issued the permission unless the papers were forwarded by the gram panchayat in terms of Rule 27 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, is also a matter to be agitated in a fresh writ petition and cannot be decided in the contempt application.

The petitioner is at liberty to approach the Zilla Parishad or any other forum with his grievances in respect of the instant construction.

A copy of the document filed in Court today, be supplied to the learned advocate on record for the applicant.

Accordingly, the contempt application is disposed of.

The contempt proceedings are dropped.

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

(Shampa Sarkar, J.)