

17.03.2023.
Court No.13
Item No. 10
pk

WPCRC 51 of 2023
In
W.P.A. No. 27100 of 2022
Gautam Dutta
Versus
Sukhomoy Chakraborty & Ors.

Mr. Allen Felix

...For the petitioner

Mr. Suman Banerjee

... For the alleged contemnor No. 2.

Mr. Sandeep Prasad Shaw,

Mr. Anupam Som,

Ms. Munmun Dalapati

... For alleged contemnor No. 3.

Mr. Pantu Deb Roy,

Mr. Subrata Guha Biswas

... For the State.

The alleged contemnors are present in Court.

The Inspector-in-Charge, Burdwan Police Station has filed a report and the same is taken on record.

It appears from the report as well as the submissions of the petitioner that the boundary wall-in-question was being constructed but the private respondents are still obstructing it.

Counsel for the private respondents submits that in terms of the Court's order dated 11.01.2023, they have approached the Civil Court in T. S. No. 29 of 2023 which is now pending before the learned Civil Judge (Junior Division), Second Court, Burdwan. The

said Civil Judge has ordered status quo and is seeking to ascertain the mutual rights of the parties.

In the aforesaid circumstances, the petitioner shall not effect any further construction. The legality of boundary and mutual rights of the parties shall be decided by the Civil Court in accordance with law. The Police shall strictly comply with any order that may be passed by the Civil Court.

The alleged contemnors do not admit any of the allegations in the contempt petition.

All questions are kept open for the decision of the Civil Court. Burdwan Police shall, however, keep strict vigil on the locale and ensure that there is no breach of peace.

The personal presence of the alleged contemnors is dispensed with.

The contempt application is disposed of.

Rule, if any, shall stand discharged.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)