

09,10
25.08.2023
mb

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

C.P.A.N. 323 of 2023
in
W.P.A. No. 11361 of 2022

Smt. Mamata Laga & Ors.
Vs.
Biman Majhi & Ors.

Mr. Apurba Krishna Das
...for the petitioners

Mr. Sourav Das,
Mr. N. Roy
...for the Alleged contemnors

Learned counsel appearing for the alleged contemnors files a compliance report along with back and white photocopies of certain photographs showing that the illegal encroachment has been dismantled by the alleged contemnors in the meantime.

Learned counsel appearing for the petitioner submits, by seeking to place reliance on certain photographs, that certain other construction materials have been accumulated on the property-in-question thereafter.

A copy of such photograph is handed over in court today and be kept on record along with the compliance report.

It transpires from a joint reading of the compliance report as well as the photographs produced, that the alleged contemnors has sufficiently complied with the order of the court, thereby rendering the contempt application infructuous.

Insofar as subsequent accumulation of materials on the property is concerned, the photographs handed over by the petitioner do not show any permanent structure on the land-in-question. Certain bamboo poles and other similar materials have apparently been accumulated on the property.

If such accumulation occurs subsequent to the compliance of the order of this court, the same does not come within the purview of the contempt jurisdiction. The petitioner shall be at liberty to take appropriate steps and lodge complaints before the appropriate authorities, including Law Enforcement Authorities, in such regard, if need be.

In view of the above discussion, C.P.A.N. 323 of 2023 is disposed of without, however, any order as to costs.

(Sabyasachi Bhattacharyya, J.)