

August 21, 2023
Sl. No.03
Court No.19
s.biswas

CPAN 543 of 2022
In
WPA 8747 of 2020

Kutubuddin Mallick and others
vs.
Sankarhati II Gram Panchayat and another

Mr. S. P. Lahiri
Mr. Sk. Nizamuddin
Ms. Barnali Gupta

... for the applicants

Mr. Sarbananda Sanyal
Mr. Soumya Basu Roy Chowdhury

... for the alleged contemnors

The contempt application is disposed of with the following directions:

- a) The contention of Mr. Lahiri with regard to his client being detained by the some of the members of the gram panchayat cannot be decided in this contempt proceeding. The applicants can take recourse to law or approach the police authorities.
- b) The correctness of such allegation of Mr. Lahiri has not been gone into.
- c) This proceeding is only connected to the compliance of the order of this court dated March 30, 2022.
- d) The finding of unauthorized construction has been admitted by the alleged contemnors, through their learned advocate Mr. Sanyal.

Mr. Lahiri, learned advocate for the applicants submits that the order and/or the report of the gram panchayat has not been served upon his clients.

Mr. Sanyal produces some documents in which it has been stated that a learned advocate of High Court at Calcutta, Tasrim Ali, had approached the authorities for a settlement. However, these are not the issues to be decided in this proceeding. This proceeding is only restricted to the allegation of contempt due to non-compliance of the order of the court.

This court is of the view that for the delay caused by the alleged contemnors, cost of Rs.500/- shall be paid to the applicants.

Thus, the grievance of the applicants has been looked into as directed by this court. The order shall be prepared by the gram panchayat and served upon the applicants within a week from date and a copy thereof shall be forwarded to the Sub-Divisional Officer for appropriate action in terms of Section 23(5) of the West Bengal Panchayat Act, 1973.

The Sub-Divisional Officer shall act and proceed on the basis of the order passed in terms of Section 23(5) of the West Bengal panchayat Act, within a month from the receipt and upon giving an opportunity to the parties to contest. This order shall not prevent the police authorities from proceeding in accordance with law, if any complaint has been filed or is yet to be filed by the applicants.

The contempt application is disposed of.
Contempt proceedings are dropped.

(Shampa Sarkar, J.)