

D/L. 9.
September 29, 2023.
MNS.

CPAN 720 of 2023
in
WPA No. 9864 of 2022

Mithun Paul
Vs.
Sri Chitradip Sen

Mr. Debasish Kundu

... for the petitioner.

Ms. Jhuma Chakraborty,
Mr. Suddhadev Adak

...for the State.

1. Affidavit-of-service filed in court today
be kept on record.
2. Learned counsel for the petitioner
submits that in gross violation of the
order of this Court, the alleged
contemnor has not taken any steps for
removal of the unauthorised
occupation.
3. Learned counsel places reliance on the
ordering portion of the order dated
June 22, 2022, where it was observed
by this Court that in the event the
respondent no. 5 is of the opinion,
upon such inquiry as necessary, that
unauthorised structure or unauthorized

encroachment has occurred on any Government land, the respondent no. 5 shall take immediate consequential steps thereafter for initiating due proceedings under the 1962 Act and/or any other statute, if applicable.

4. The written report handed over by alleged contemnor shows that the alleged contemnor duly took steps and an order of removal of unauthorised construction was passed by the Sub-Divisional Officer, which was thereafter challenged before the District Magistrate, who also affirmed the same.
5. The petitioner's allegation is that after such affirmation, further steps for removal are not being taken by the respondent authorities.
6. The language of the order dated June 22, 2022 was very clear to the effect that in the event the respondent no. 5 is of the opinion, upon such inquiry as necessary, that unauthorised structure or unauthorised encroachment has occurred on any Government land, the

respondent no. 5 shall take immediate consequential steps thereafter “for initiating due proceeding” under the appropriate provisions of 1962 Act and/or any other statute.

7. The alleged contemnor has duly done so. It is made clear that the order under contempt did not intend a court-monitored removal of the unauthorised construction, but only directed the respondent no. 5 to take appropriate steps in accordance with law. The language was “to initiate due proceeding”, which has duly been done by the alleged contemnor.
8. Hence, there does not appear to be any scope of issuing any Rule of Contempt against the alleged contemnor, since the order under contempt has duly been complied with.
9. In the event the petitioner is aggrieved by further alleged inaction of the alleged contemnor, it is open for the petitioner to take due steps pursuant to law in that regard.

10. CPAN 720 of 2023 is, thus, dismissed without any order as to costs.

11. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)