

2.3.2023
Court No.19
Sl.no.24/sn

CPAN 750 of 2022
In
W.P.A 6496 of 2022

Sunil Kumar Ray
Vs.
Sukhamay Chakraborty & Anr.

Mr. Chinmay Pal
Mr. Archan Datta
..for the petitioner
Mr. S.K. Mitra
Mr. Subhabrata Das
..for the alleged contemnors

The writ petition had been disposed of by this Court, upon, recording the submissions of the alleged contemnor/police authorities. The police authorities submitted that in case the petitioner started a construction of the boundary wall and there was no dispute with regard to the right, title, interest and possession of the land in question, the police authorities would keep a strict vigil and ensure that no harassment would be caused to the petitioner.

Alleging inaction on the part of the alleged contemnor/police authorities and non-compliance of the order of the Court, the contempt application has been filed.

From the police report, it appears that on July 3, 2022, one Sudhir Kumar Sarkar submitted an application before the Burdwan Police Station to the

effect that on August 12, 2022 he had purchased the land in the name of his wife Alpana Sarkar. His wife passed away and he could not get her name mutated in the record of rights. That the applicant, Sunil Kumar Roy had raised a boundary wall by encroaching his land.

G.D. entry was recorded and S.I. Diptesh Chatterjee was directed to enquire into the matter. The Block Land & Land Reforms Officer-I was requested to inform the police authorities about the title and classification of (old) Dag No. 475. The land was recorded in the name of the applicant and classified as a 'pukur'. On physical verification, it was found that a portion of pond had already been filled up and the remaining portion of the pond was low land. There is a rival claim to title. A letter was sent to the Chairman, Burdwan municipality alleging illegal filling up of the pond. The photographs and the report of the Block Land & Land Reforms Officer have been annexed to the report.

In order to prevent unauthorized use of the said plot, guardrails had been placed by the police. Police vigil had been increased around the land and the police authorities frequently visited the house of the applicant.

As such, this Court does not find that the police authorities are in contempt of the order passed in the writ petition.

The contempt proceedings are dropped.

The contempt application is disposed of.

The observation made herein shall be restricted to the adjudication of the contempt application.

This order shall not prevent the applicant or any other party from approaching the appropriate court of law for redressal of their grievances.

(Shampa Sarkar, J.)