

Item No. 25
02.03.2023
Court. No. 19
GB

CPAN 934 of 2022
In
WPA 11047 of 2022

Sri Tridip Ghosh & Ors.
VS
Mr. Sudipta Mukherjee

Mr. M.F. Rahaman

...for the Petitioners/Applicants.

*Ms. Chaitali Bhattacharya,
Mr. Kartik Chandra Kapas*

...for the State.

This contempt application has been filed alleging violation of the order of this Court dated July 8, 2022. The Court had directed that although the dispute was with regard to land, the police authority should ensure that law and order was maintained and no untoward incident took place over the disputed land.

A report has been filed in the form of instructions, by the sole alleged contemnor, that is, the Inspector-in-Charge, Memari Police Station.

Pursuant to the order of this Court, a strict vigil had been maintained. Civic police were deputed to maintain peace and mobile police van made regular rounds. Physical enquiry was made on July 24, 2022. It appeared that some portion of the land had been handed over to the applicants by some of the occupants. Other occupants continued to remain on the said land. The police authorities interacted with all the parties and directed them to maintain peace. A meeting was also held between the parties in the office of the

Block Development Officer with the initiative of the police authority. The Block Land and Land Reforms Officer, the Block Development Officer, Memari-II Block and the police authority tried to find a solution to the continuous problem. The police authorities found on enquiry that a long term dispute had been continuing with regard to the possession of the land and the lands cannot be demarcated by the police authorities. The dispute was between the petitioners and some persons, whom the petitioners had allegedly allowed to cultivate. On the complaint of Paresh Nath Ghosh, one of the applicants, prosecution was submitted against all the 15 persons under Sections 107/116(C) of the Code of Criminal Procedure. In the previous cultivation season, the persons who were resisting the petitioners were stopped by the police authorities and were not allowed to cultivate on the petitioners' land. The petitioners' land remained uncultivated till date.

Under such circumstances, the Court does not find that there has been any willful and deliberate violation of the order of this Court. The photographs in support of the contention of the police authorities are taken on record.

Accordingly, the contempt application is disposed of.

The contempt proceedings are dropped.

This order shall not prevent the applicants from availing of the remedies under the available laws.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)