

ML 474
11.05.2023
Court. No. 19
GB

CPAN 1012 of 2022
In
W.P.A. 11757 of 2022

Bappa Ali Sarkar
VS
Sri Goutam Roy

Mr. Partha Chakraborty,
Mr. Debayan Ghosh,
Ms. Poulomi Dutta

...for the Applicant/Petitioner.

Mr. Ansar Mondal,
Ms. Srilekha Bhattacharyya

...for the Alleged Contemnor.

Perused the police report.

It appears that on the basis of the complaint lodged by the petitioner, Tapan Police Station Case No.27 of 2023 dated January 14, 2023 under Sections 143/447/379/506 of the Indian Penal Code has been registered. The investigation is going on.

The report of the Block Land and Land Reforms Officer filed before the police authorities upon causing enquiry, indicates that the water body had vested and was recorded in favour of the Government of West Bengal and 'No Jalkar' status had been entered in the L.R. Khatian.

The police authorities are investigating into the offence allegedly committed by the opponents of the applicant. No further steps can be taken by the authorities. The contention of the petitioner that the police authorities have not complied with the direction of this Court is

incorrect. The police authorities were directed to act and proceed in accordance with law upon receipt of the report from the Block Land and Land Reforms Officer.

The law and order is being maintained. The police authorities have registered an FIR and they are continuing with the investigation.

No further order can be passed permitting the petitioner to continue with the pisciculture. Such prayer was beyond the scope of the writ petition and is also beyond the scope of the contempt application. Moreover, the water body is vested and has been recorded with the remark 'No Jalkar' in the record of rights.

The petitioner can get his rights adjudicated by the appropriate forum.

Accordingly, the contempt application is disposed of. The contempt proceedings are dropped.

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

(Shampa Sarkar, J.)