

21.04.2023
rpan / 08

WPCRC 5 of 2023
in
WPA 9128 of 2018
Bibekananda Maity
- Versus -
Smt. Joyita Jana

Mr. Sumanta Chakraborty,
Mr. Santu Das Adhikari
...for the Petitioner.

The present contempt application has been filed alleging violation of an order dated 26th March, 2019 passed in W. P. no. 9128(W) of 2018 [newly numbered as WPA 9128 of 2018].

By the said order this Court directed the respondent no.5 in the writ petition to consider the petitioner's representation dated 29th August, 2017 and to communicate such decision to the petitioner. It was also observed that in the event any unauthorised construction has been raised, necessary follow up steps shall be taken by the panchayat authorities forthwith.

Record reveals that Rule was issued against the Pradhan of Kajlagarh Gram Panchayat on 6th January, 2023. Thereafter, when the matter appeared on 17th March, 2023 Mr. Kamal Mishra, learned advocate appearing for the alleged contemnor submitted that the order of this Court had already been complied with

and handed over a copy of the memo dated 27th February, 2023.

Drawing the attention of this Court to the contents of the memo dated 27th February, 2023, Mr. Chakraborty, learned advocate appearing for the petitioner submits that the alleged contemnor had not appropriately considered the grievance of the petitioner as detailed in his representation dated 29th August, 2017. According to him, the panchayat authorities did not sanction any plan in respect of plot no.1090. In the absence of such sanction it is explicit that construction existing on the said plot of land is unauthorised. But still appropriate follow up steps have not been taken by the panchayat authorities in spite of the direction of this Court.

Heard Mr. Chakraborty and considered the materials on record.

From the memo dated 27th February, 2023 it appears that the concerned Pradhan considered the grievance of the petitioner and detailed the facts placing reliance upon the records of the said panchayat. In the said order it has also been observed that a dispute exists and the Pradhan has referred the said dispute to the competent authority being the concerned Sub Divisional Officer for necessary action.

Considering the said order I do not find that there has been any deliberate or intentional violation on the part of the Pradhan. Once an order has been passed by a party to the proceeding on the basis of the direction issued by the Court there arises a fresh cause of action to seek redressal in an appropriate forum and such action does not constitute contempt.

In view thereof, no further interference is called for in the present application.

The contempt Rule is discharged and the contempt application is disposed of.

Nothing in this order will prevent the petitioner from taking appropriate steps before the competent forum, if so advised and in accordance with law.

(Tapabrata Chakraborty, J.)