

D/L. 3 & 4.
May 8, 2023.
MNS.

WPCRC 77 of 2023
arising out of
CPAN 1202 of 2022
in
WPA No. 10226 of 2022

Tapas Barik and another
Vs.
Suman Biswas

Mr. Dilip Kumar Sinha

... for the petitioners.

Mr. Santanu Kumar Mitra,
Mr. Subhabrata Das

...for the alleged contemnor.

Learned counsel for the petitioners submits, by placing reliance on a representation purportedly given by the petitioners subsequent to the demolition work to the Sub-Divisional Officer, Ghatal Sub-Division, that after the completion of demolition work by the alleged contemnor, there was further encroachment and, thereafter, despite complaints, nothing has been done in that regard.

Learned counsel appearing for the alleged contemnor, upon furnishing affidavit disclosing partial compliance with the order-in-question, submits that although initially there was a delay in placing the file for appropriate action (for which

the alleged contemnor advances unconditional apology), subsequently, the demolition work was done. There was an appeal, filed by the encroachers, thereafter, in connection with which there was a further delay.

However, as of today, the demolition work has been completed in terms of the order dated June 21, 2022 passed in the writ petition.

Upon a perusal of the affidavit-of-compliance and the compliance report furnished on behalf of the alleged contemnor, I am satisfied that, although after some delay, the order of this Court was complied with by the alleged contemnor by demolishing the illegal encroachments on the property-in-question.

The initial delay committed by the alleged contemnor may not be attributable to the alleged contemnor alone and might have been due to procedural wrangles in the office of the alleged contemnor.

Be that as it may, since the order has been complied with, no further purpose will be served in keeping the Rule alive.

Further personal appearance of the alleged contemnor is hereby dispensed with.

However, it is made clear that nothing in this order shall prevent the petitioners from taking out further proceedings, in the event the petitioners have a fresh cause of action on the allegation of further encroachment on the property.

Accordingly, WPCRC 77 of 2023 is discharged. The contempt application, bearing CPAN 1202 of 2022, is disposed of.

There will be no order as to costs.

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.)