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18.10.2023
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Ct 14

**CPAN 1493 of 2023
in
WPA 11724 of 2023**

Bharati Biswas & anr.

-vs-

Nandadulal Ghosh

Ms. Sucharita Biswas

Mr. Debapriya Gupta

...for the petitioners

This is an application alleging contempt of Court by the alleged contemnor/police officers in respect of order dated 31.07.2023 passed by this Court in WPA 11724 of 2023.

Learned counsel appearing on behalf of the petitioners submits as follows. Even after the order was passed and was communicated to the respondent authorities, no steps were taken for carrying out the order passed by this Court. Several representations were made. The private respondents had been blocking the entrance, throwing garbage at the same. They even cut the water line and installed the new pump. The police did not act despite there being an order passed by this Court.

By the said order, the following directions were passed.

“ In case there is a further disturbance or if the police deems fit and proper, necessary action may be taken by the police authorities including starting a proceeding under Section 107 of the Code.

No further order need be passed in this case.

However, the police shall keep a strict vigil at the

locale and ensure that no breach of peace takes place. The police shall also render necessary protection so that the main gate of the building can be repaired upon being approached by the petitioners.

With these observations, the writ petition is disposed of.”

Therefore, there was no specific direction given to the respondent police authorities except to keep strict vigil at the locale and ensure that no breach of peace takes place.

It appears that even admittedly no breach of peace, as such, has taken place. However, the private respondents had allegedly committed some mischief.

For disconnection of water line, there is a specific provision in the Code of Criminal Procedure to take action. The petitioner shall be at liberty to do so.

If an untoward incident happens or is apprehended by the petitioner, she shall be at liberty to call of the Officer in Charge of the local police station who shall then act in accordance with law.

However, I do not find any ingredient for issuing a notice of contempt on the alleged contemnors.

Accordingly, the application is dismissed, however, without any costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)