

D/L.17.
May 17, 2024.
MNS.

WPCRC 66 of 2024
in
CPAN 207 of 2024
in
WPA No.19044 of 2023

Sanjit Kumar Saha
Vs.
Shri Dipanjan Bhattacharya

Mrs. Arundhati Banerjee,
Mr. Kaustav Banerjee,
Ms. Ria Kundu

... for the petitioner.

Mr. Manoj Malhotra,
Ms. Sahina Sumi

...for the alleged contemnor.

1. Learned counsel for the petitioner files a supplementary affidavit annexing a report, from which it transpires that pursuant to the order of this court, the alleged contemnor has, upon an enquiry, arrived at the finding by disposing of the petitioner's complaint that there has been illegal encroachment on public property. Thereafter, the matter was disposed of by the alleged contemnor by directing the District Magistrate, Nadia, to act for the purpose of removal of such illegal encroachment in due process of law under the governing statute.

2. Learned counsel for the petitioner submits that the said order of the alleged contemnor is not in compliance with the court's direction, since the alleged contemnor did not himself taken any steps for removal of the encroachment in order to satisfy the governing statute.
3. However, it is seen from the parent order of this court that a direction was given to the alleged contemnor to decide the matter in accordance with law and if it was found that there was an unauthorized encroachment, for the alleged contemnor to initiate due proceeding in accordance with law. In compliance of the same, the alleged contemnor has directed the District Magistrate, Nadia, to initiate appropriate proceeding in accordance with law and the governing statute, as it was not within the authority of the alleged contemnor to initiate such proceeding himself.
4. Hence, I am of the opinion that sufficient compliance of the order of this court has been done by the alleged contemnor.
5. As such, there is no occasion for this court to issue any Rule or to penalize the alleged contemnor in any manner.

6. Accordingly, the contempt proceeding is dropped and CPAN 207 of 2024 stands disposed of.
7. Needless to say, further appearance of the alleged contemnor stands dispensed with.
8. There will be no order as to costs.
9. 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.)