

DL-12

15.07.2024  
Court No.26  
Bench ID-266046  
(AD)

**CPAN 349 of 2024  
in  
WPLRT 65 of 2022**

**Sri Karuna Karak & Ors.  
Vs.  
Sri Soumitra Samanta, the Sub-Divisional Land and  
Land Reforms Officer**

*Mr. Mrinal Kanti Ghosh  
Mr. Santimay Bhattacharyya  
... for the petitioners.*

*Mr. T.M. Siddique  
Mr. Ayan Banerjee  
Ms. Debjani Sengupta  
... for the alleged contemnor.*

1. Petitioners complain of violation of the order dated June 8, 2023 passed in WPLRT 65 of 2022.
2. The particular operative portion of such order of which violation is complained of, required the appellate authority to decide the issue as sought to be raised by the petitioners prior to undertaking the exercise as directed by the impugned order.
3. The issue directed to be decided was whether the authorities can invoke the provisions of Section 14N of the West Bengal Land Reforms Act, 1955 prior to undertaking the exercise as directed by the impugned order of the learned Tribunal.
4. Subsequent to such order, the appellate authority decided such issue on April 29, 2024.
5. Learned Advocate appearing for the petitioners

submits that, the appellate authority, in fact, did not decide the issue of Section 14N of the Act of 1955 at all. The decision dated May 6, 2024 of the appellate authority is in violation of the order dated June 8, 2023 of the High Court.

6. Alleged contemnor is represented.
7. As noted above, the order dated June 8, 2023 required the appellate authority to decide on the issue of Section 14N of the Act of 1955. Appellate authority decided the same on May 6, 2024.
8. Petitioners before us contend that such decision is incorrect and not in accordance with our order dated June 8, 2023.
9. Petitioners before us are not remediless so far as the order dated May 6, 2024 is concerned. The appellate authority decided on the issue. Whether such decision is correct or incorrect may be decided before the appropriate forum, if such contention is raised.
10. We are not in a position to return a finding that the appellate authority acted in wilful or contumacious violation of the order dated June 8, 2023 so as to invoke the provisions of the Contempt of Courts Act, 1971 or Article 215 of the Constitution of India.
11. The parties are at liberty to canvass their respective points with regard to the issue of Section 14N of the Act of 1955 as also the validity

and/or illegality of the order by the appellate authority dated May 6, 2024 before the appropriate forum.

12. **CPAN 349 of 2024** in **WPLRT 65 of 2022** is disposed of without any order as to costs.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**