

16.07.2024
Sl. No. 75.
D/L.
Mithun
Ct.No.17.

CPAN 355 of 2024
In
WPA 4565 of 2023

Sanwara Bibi & Ors.
Vs.
Mr. Rahul Goswami, the Superintendent of
Police, Diamond Harbour & Ors.

Mr. Nitai Chandra Saha,
Mr. Abhijit Chandra Majumder
...for the petitioner.

Mr. Amitesh Banerjee, Sr. St. Counsel,
Mr. Tarak Karan
...for the alleged contemnors.

Learned Counsel appearing on behalf of the petitioners submits as follows. By an order dated 12.10.2023 passed in WPA 4565 of 2023 this Court directed the respondent authorities to keep a sharp vigil at the locale, ensure that no breach of peace took place and see to it that the order passed by the Civil Court was not violated. This order was duly communicated to the alleged contemnors. The private respondents thereafter started creating disturbance in the free ingress and egress to the property. This was reported to the police, but no action was taken.

From the order passed by the Civil Court, it appears that it had restrained the defendant from ousting the appellants from the suit property. Accordingly, this Court too passed an order asking the respondent authorities to maintain peace and to ensure that the Civil Court's order was not violated.

However, now the applicant alleges that the petitioner is creating obstruction to the ingress and egress to the said property. This, at best, gives rise to a fresh cause of action, which can fairly be taken up before a Court of law by the petitioner.

Secondly, the police are to see that the Civil Court's order was not violated i.e., the defendants were not able to oust the petitioner and only in case of an apprehension of breach of peace, they would act in pursuance of this Court's order.

In view of the above, no case of contempt of Court is made out in the facts and circumstances of the present case.

However, for any new cause of action, the petitioner shall be at liberty to approach this Court.

With these observations, the contempt application is disposed of without any further order, even as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Jay Sengupta, J.)