

16th May,
2025
(AK)
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C.P.A.N 467 of 2025
in
WPA 7858 of 2024

Md. Masadul Islam
Vs.
Sri Sujay Das and another

Mr. Gausul Alam

...for the petitioner.

1. Learned counsel for the petitioner submits that in wilful and deliberate violation of the order of this court dated April 25, 2024 passed in WPA 7858 of 2024, the alleged contemnors have not yet taken concrete steps in initiating proceeding for removal of encroachment on PWD land in terms of the said order.
2. It is pointed out that despite the passage of a year in between, only a notice under Section 10(1) of the West Bengal Highways Act, 1964 has been given.
3. Although the petitioner has a point in submitting that there transpires to be some delay in complying with the order of this court, I find from the order dated April 25, 2024 that no specific timeline was fixed and it was only observed that the proceeding should be initiated and concluded “as expeditiously as possible”.

4. As such, since such directions are in the nature of orders *in terrorem*, it cannot be said that the extreme step of punishment for wilful and deliberate violation of the order of this court can be meted out to the alleged contemnor.
5. Thus, although a cause of action might have been created in favour of the petitioner for taking out a fresh writ petition to ensure that a timeline is fixed for the conclusion of the proceeding-in-question, I do not find any case of contempt has been made out.
6. Accordingly, CPAN 467 of 2025 is dismissed without any order as to costs, with liberty to the petitioner to prefer a fresh writ petition alleging inaction on the part of the alleged contemnors in compliance with the direction of this court dated April 25, 2024.

(Sabyasachi Bhattacharyya, J.)