

61 25.06.2024
NB Ct. 17

CPAN 513 of 2024
In
WPA 20407 of 2023

Bhagaban Halder
Vs.
Saktinath Chattoraj & Ors.

Mr. Sudarshan Ghosh
...for the applicant/petitioner.

Mr. Biswabrata Basu Mallick Id.AGP.,
Ms. Parna Roy Chowdhury.
...for the alleged contemnors.

Affidavit of service filed on behalf of the
applicant/petitioner is taken on record.

Learned counsel appearing on behalf of the applicant
submits as follows. By an order dated 18.09.2023 passed by
this Court in *WPA 20407 of 2023*, the police was directed to
keep a sharp vigil at the locale so that no breach of peace took
place. Before the petitioner moved the writ petition, his shop
and premises had been attacked and looted. But, after the
order was passed, police did not take steps and the petitioner
has now been ousted from the said place.

Learned counsel appearing on behalf of the State relies
on the report and submits that regular police patrolling had
been done. On the petitioner's complaint, as many as eight GD
Entries had been lodged. Till date, there is no report of
disturbance of peace in the said area.

It appears that by the order dated 10.09.2023, the
petitioner was granted liberty to claim any relief in respect of

possession or title of the property before a civil Court. It does not appear that the same relief has been sought.

The report shows that the police have recorded GD Entries, engaged in having police patrolling, but is unaware of such incident of breach of peace. In terms of the order passed earlier, the police shall be at liberty to take appropriate steps and if they had taken some steps, to take them to their logical conclusions.

However, since a fresh cause of action appears to have arisen, the petitioner shall be at liberty to approach a Court of Law for appropriate relief.

Therefore, it does not appear that the alleged contemnors have committed any deliberate violation of the order. Hence, the contempt application being CPAN 513 of 2024 is dismissed, however, without any order as to costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)