

05  
24.07.2024  
mb

C.P.A.N. 471 of 2022  
in  
W.P.A. No. 10437 of 2021

Harekrishna Giri  
Vs.  
Aranya Banerjee

Mr. Tanmay Basu,  
Mr. Debdip Mondal  
...for the petitioner

Mr. Ansar Mandal  
Mr. Susovan Sengupta,  
Mr. Bipin Ghosh,  
Mr. Manas Kumar Sadhu  
...for the State

Mr. Anil Kumar Jana,  
Ms. Rita Patra  
...for the private respondents

This is an application alleging violation of an order dated August 26, 2021 passed in W.P.A. No. 10437 of 2021.

Briefly, by an order dated August 26, 2021 this Court had *inter alia* held as follows:

*“It is submitted on behalf of the petitioner that pursuant to the filing of the writ petition, the concerned State respondents have already taken steps to redress the grievance of the petitioner.*

*In view of the aforesaid, nothing survives in this petition.*

*Accordingly, W.P.A. 10437 of 2021 is disposed with a direction on the State respondents to act in accordance with law and*

*take necessary steps to redress the grievance of the petitioner.*

*It is expected that the aforesaid exercise will be completed within a period of six weeks from the date of communication of this order.”*

Significantly, the petitioner had complained of illegal encroachment wherein the above order was passed.

It is submitted on behalf of the petitioner that there has been violation of the order dated August 26, 2021 and the State respondents have failed to act in terms of the order and take necessary actions against the illegal encroachment.

On behalf of the State respondents, it is submitted that there is no contempt nor violation of the order dated August 26, 2021. In any event, the petitioner has a fresh cause of action, which does not justify the filing of this contempt application. Additionally, there is a provision for a statutory appeal against the order dated July 30, 2021 passed by the Sub-Divisional Magistrate, Kakdwip, South 24-Parganas.

The subsequent events, which have transpired after passing of the order dated August 26, 2021, do not warrant the filing of the contempt application. The order dated August 26, 2021 merely records that in view of the submissions made on behalf of the petitioner pursuant to the

filing of the writ petition, the State respondents had already taken steps to redress the grievance of the petitioner.

As such, there is no violation of the order dated August 26, 2021. Any cause of action, which the petitioner may have, transpired post the passing of the order dated August 26, 2021 does not justify the filing of this instant application.

In view of the above, C.P.A.N. 471 of 2022 stands dismissed.

Liberty is granted to the petitioner to file a fresh writ petition, if so advised.

(Ravi Krishan Kapur, J.)