

6<sup>th</sup> March,  
2026  
(AK)  
03

**C.P.A.N 1816 of 2025**  
**in**  
**WPA 12278 of 2024**

Anser Nayek and another  
Vs.  
Mr. Kartik Chandra Das, Executive Engineer, Tamluk  
Highway Division and others

Mr. Mridul Kanti Sasmal  
...for the petitioners.

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv  
Mr. Srinath Singha Roy  
...for the alleged contemnors.

1. Affidavit-of-service filed in court today be kept on record.
2. Learned senior counsel appearing for the alleged contemnors submits that the alleged contemnors have complied with the order of this court dated May 7, 2024.
3. It is submitted that even prior to the passing of the order, steps had been taken by the concerned Executive Engineer by calling for a report with regard to the alleged illegal encroachment and at present, a hearing is going on in respect of the proceeding initiated by dint of the order of this court for removal of unlawful encroachment.

4. Learned senior counsel further argues that the contempt application is time-barred, having been filed only in the month of November, 2025 whereas the order from which the contempt arises was passed on May 7, 2024.
5. Insofar as the second contention is concerned, this court is unable to accept such submission, since the nature of the alleged contempt, in not concluding the proceeding initiated pursuant to the direction of this court for removal of illegal encroachment, is of the nature of a continuing infraction of the Court's order and the cause of action for the contempt arises *de die in diem*.
6. Thus, it cannot be said that the contempt application is barred by law.
7. However, with regard to the alleged compliance of the direction of this court, the alleged contemnors shall file an affidavit-of-compliance annexing all relevant documents, indicating the nature and particulars of such compliance.
8. Such affidavit shall be filed within a fortnight from date.
9. An advance copy of the same shall be served on the learned Advocate for the petitioners.
10. The matter shall next be listed on March 27, 2026.

11. Before parting with the matter, it is noted, as rightly pointed out by learned senior counsel by the alleged contemnors, that the alleged contemnor nos. 3, 4 and 5 have been impleaded unnecessarily, since there was no direction on them in the parent order.
12. Upon hearing learned counsel, it is evident that the impleadment of alleged contemnor nos. 3 to 5 is superfluous, since their involvement in the alleged contumacious acts has not been established even prima facie from the averments made in the contempt application, nor was any direction passed on any of them.
13. Accordingly, the alleged contemnor nos, 3 to 5 are hereby expunged from the contempt proceeding.
14. The learned Advocate-on-record for the petitioners shall carry out the necessary corrections in the cause title of the contempt application, by deleting their names during the course of the day.

**(Sabyasachi Bhattacharyya, J.)**