

23.08.2024
Item No.12
gd/ssd

CPAN/814/2024
AMARENDRANATH PATRA
VS
JAYANTA PAUL BEING THE EXECUTIVE ENGINEER
AT DIAMONDHARBOUR HIGHWAY DIVISIONAL PW
(ROADS) AND ANR.
in
WPA/10977/2023
AMARENDRA NATH PATRA
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Ambika Sasmal,
Mr. Debdip Mandal,
Mr. Babhajyoti Halder
..for the Petitioner.

Mr. Jaharlal De,
Mr. Supratim Dhar
..for the alleged Contemnors.

1. Learned counsel for the petitioner submits that the alleged contemnors are in contempt of the order of this court dated August 08, 2023 passed in WPA 10977 of 2023 in so far as the same directed initiation of appropriate proceedings for removal of unauthorized encroachment and early disposal of the same. It is submitted that the unauthorized encroachers have not yet been removed from the property in question.

2. Learned counsel for the alleged contemnors places reliance on the set of instructions and documents handed over by him in court on the last occasion and submits that the petitioner had attended

the hearing. Demarcation of the land has also been duly effected and a notice under the appropriate provision of law has already been given to the perceived encroachers. It is submitted that since the proceeding has merely been started in the month of February, 2024, it would be premature to allege that the proceeding has not been culminated as yet.

3. Upon a perusal of the documents and on hearing the learned advocates for the parties, this court is of the opinion that there is no occasion at present to hold that the alleged contemnors are guilty of violation of the direction of this court. Rather, in compliance with the direction dated August 08, 2023, the alleged contemnors have already taken steps duly in identifying unauthorized encroachment and thereafter initiating proceedings for removal of the same. Thus, the contempt application is not maintainable.

4. Accordingly, CPAN 814 of 2024 is dismissed.

(SABYASACHI BHATTACHARYYA, J.)