

D/L.1.
December 20, 2024.
MNS.

WPCRC 148 of of 2024
in
WPA 4175 of 2022

Sk. Rased and others
Vs.
Sri Bikash Naskar and others

Mr. Subrata Ghosh,
Ms. Tapati Sarkar

... for the petitioners.

Mr. Dipanjan Datta,
Mr. Nilotpal Chatterjee,
Mr. Mrinal Kanti Biswas,
Mrs. Sukanya Datta,
Sk, Md. Masud

...for the alleged contemnor no. 1.

MD. T. M. Siddiqui,
Mr. S. Adak,
Ms. Debdooti Datta

...for the alleged contemnor no. 2.

1. The alleged contemnor nos. 1 and 2 file affidavits of compliance. Let those be kept with the record.
2. Learned senior counsel appearing for the alleged contemnor no. 2 submits that, for abundant caution, the current incumbent in the post of alleged contemnor no. 2 has also filed an affidavit of compliance.
3. It may be recorded that the said current incumbent was respondent no. 4 in the main writ petition, although not a party to the contempt application.

4. Learned counsel for the petitioners files an exception to the affidavits-of-compliance and submits that, contrary to the direction of this court to carve out a path solely and exclusively on Plot No. 1074, the alleged contemnors have now carved out the path by encroaching Plot Nos. 1072 and 1073 as well, which belonging to the private individuals, thereby creating a legitimate apprehension in the mind of the petitioners that the petitioners' access over the path shall be resisted by the said private individuals.
5. I find from the annexures to the affidavits of compliance that *prima facie* the path has been drawn over Plot No. 1074 exclusively in terms of the direction of this Court.
6. In the event the petitioners have any further grievance, it will be open to the petitioners to approach the concerned District Magistrate afresh in that regard. However, it would be beyond the scope of the contempt Court to enter into a fresh fact-finding enquiry as to the issues now involved in view of the new allegations and counter-allegations made by the parties.
7. Moreover, since the BL&LRO is the custodian of the *mouza* map and other

records, a presumption of correctness ought to be attached to the sketch map annexed to the affidavit of compliance of the alleged contemnor no. 1, unless of course rebutted by the petitioners before the District Magistrate in a fresh action.

8. In such view of the matter, I am of the opinion that sufficient compliance of the order of this Court has been done.

9. Accordingly, the Rule, bearing WPCRC 148 of 2024, stands discharged and the contempt application, bearing CPAN 882 of 2023, is hereby disposed of with liberty to the petitioners in terms of the observations made above.

10. In view of the above disposal, further personal appearance of the alleged contemnors is dispensed with.

(Sabyasachi Bhattacharyya, J.)