

D/L. 2.
February 16, 2024.
MNS.

WPCRC 23 of 2024
Arising out of CPAN 1121 of 2023
in
WPA 25262 of 2022

Aparna Das
Vs.
Tanvir Afzal & others

Mr. Kapil Chandra Sahoo

... for the petitioner.

Mr. T. M. Siddique,
Mr. T. Chakraborty

...for the alleged contemnor.

Mr. Ansar Mondal,
Mr. Asish Dutta

...for the State.

1. Learned counsel appearing for the alleged contemnor submits that the contemnor is present in Court.
2. It is contended that though belated, the present incumbent, who is present in court, has complied with the order of this Court by giving a consideration in terms of the order dated July 4, 2023 passed in WPA 25262 of 2022.
3. Thereafter, the matter has been referred to the concerned Sub-Divisional Officer (SDO) for appropriate steps.
4. It is also submitted that today is, in fact, the date of hearing before the SDO.

5. The affidavit-of-compliance filed today is kept on record, which corroborates the stand taken by learned counsel for the alleged contemnor substantially.
6. Learned counsel appearing for the petitioner points out that although the direction was if, upon such enquiry, it is revealed that the respondent no. 2 in the writ petition, that is, the District Magistrate and Collector, finds that there is any violation of the Public Land (Eviction of Unauthorized Occupants) Act, 1962, due process of law shall be followed by the respondent no. 2 and eviction proceedings shall be initiated in that regard expeditiously, the same has not yet been done by the District Magistrate and as such, the Rule of contempt has not been fully satisfied.
7. It transpires that the tenor of the direction by this Court was that due process of law shall be followed and proceedings of eviction shall be initiated in due deference. The District Magistrate, upon query, found *prima facie* that there is unauthorized occupation and has referred the matter to the SDO.
8. It is expected that the proceeding shall culminate at the earliest, preferably within two months from this date.

9. However, I do not find that there is any contempt of court subsisting as of now, since due process of law has already been initiated by the concerned District Magistrate.
10. In such view of the matter, there is no use of keeping the Rule pending.
11. Accordingly, WPCRC 23 of 2024 is discharged. CPAN 1121 of 2023 is accordingly disposed of.
12. It is made clear that the petitioner shall be at liberty, if subsequently aggrieved by any action or inaction on the part of the authorities, to prefer a fresh challenge by way of a writ petition or otherwise as provided in law.
13. Further personal appearance of the alleged contemnor is hereby dispensed with.
14. There will be no order as to costs.
15. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)