

04.03.2025
Item Nos.1 & 2
PG/KS
Ct. No.1

C.P.A.N. 161 of 2025
In
W.P.A.(P) 34 of 2024
Prasenjit Sarkar
Versus
Sri Purnendu Maji

Mr. Banshi Badan Maity

.....for the Contempt Applicant

1. This contempt petition has been filed alleging wilful violation of the order dated 8th February, 2024 in W.P.A.(P) 34 of 2024. The said order reads as follows:-

“1. Petitioner alleges that the private respondent is putting up a construction on a part of the land belonging to the Department of Irrigation and Waterways, Government of West Bengal. It is a public land. In this regard representation has been given to the authorities dated 29.08.2023 followed by other representations as well as applications under the Right to Information Act.

2. There is serious issue as regards the locus standi of the petitioner since the petitioner is residing far away from the place where the construction is said to be put up and it appears to be an easy task.

3. Be that as it may, since the representation has been sent to the authorities, more particularly, the 2nd respondent, The District Magistrate, Purba Medinipur, it is appropriate to look into the representation and consider as to whether the allegations made by the petitioner is correct or otherwise.

4. We make it clear that we have not gone into the merits of the matter and leave it to the respondent no.2 to consider the representation dated 29.08.2023 and proceed to take action in accordance with law as expeditiously as possible.

5. The instant writ petition is disposed of accordingly.”

2. In the said order, the Court while disposing of the writ petition, pointed out that there is a serious issue as regards the *locus standi* of the writ petitioner since he is residing far away from the place where the construction is said to be put

up on a land belonging to the Department of Irrigation and Waterways, Government of West Bengal. After making such observation, the writ petition was disposed of by making it clear that the merits of the matter have not been gone into and it is for the respondent no.2 to look into the matter by considering the representation and proceed to take action in accordance with law as expeditiously as possible.

3. Therefore, there was no positive direction for the authority to act in a particular manner and, therefore, we find that this is not a case of any wilful disobedience of any direction issued as the observation was only to take note of the representation and proceed to take action in accordance with law.
4. Therefore, the petitioner is at liberty to file another representation before the authority i.e. District Magistrate, Purba Medinipur/2nd respondent enclosing a copy of this order and the concerned authority shall take note of the observations made in the earlier order dated 8th February, 2024 and proceed in accordance with law.
5. With this above observation, contempt application stands disposed of.
6. No costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(SUPRATIM BHATTACHARYA, J.)