

4th July,
2025
(AK)
01

WPCRC 95 of 2025
in
WPA 22875 of 2022

Kudi Bazar Babsahi Samity and another
Vs.
Mr. Manjit Kumar Yadav, the Sub-Divisional Magistrate,
Egra

Mr. Amit Baran Dash
Ms. Ankana Sarkar

...for the petitioners.

Mr. Dipanjan Datta
Mr. Nilotpal Chatterjee
Mr. Amrit Lal Chatterjee
Mr. Subhajit Chowdhury

...for the alleged contemnor.

Mr. Balaram Pandit

...for the private respondent.

1. The reply to the Rule showing cause to the same, filed by the alleged contemnor today, be kept on record.
2. Learned counsel appearing for the alleged contemnor submits that contrary to the perception of the court as recorded in the previous order, the notice of hearing was initially issued within the timeline stipulated by this court by the order under contempt.
3. Even the first hearing was held within the said period.

4. However, due to the insufficiency of documents and materials available before the alleged contemnor, the hearing could not be concluded within the timeline as stipulated.
5. It is further submitted that the relevant map and other necessary materials could not be obtained initially.
6. Thereafter, upon passing directions on the concerned Block Development Officer and the other officials, the complete materials were placed before the alleged contemnor.
7. The alleged contemnor also had to ascertain whether there had been any actual demarcation of the property for the purpose of coming to a justified conclusion with regard to whether there has been any illegal or unlawful encroachment on the property-in-question.
8. Subsequently, upon getting those materials, the hearing has been concluded and a final order has been passed, which has also been annexed to the reply to the Rule.
9. It is further submitted that although initially, due to insufficiency of documents, the hearing was closed, subsequently, upon gathering further information, the same was re-opened and concluded as indicated above.

10. Learned counsel also submits that there were intervening elections, which also deterred the alleged contemnor from gathering all materials and concluding the hearing within time.
11. It is further pointed out that due to the large number of encroachers, about (64), it took some time to conclude the enquiry.
12. Learned counsel for the private respondent in the writ petition seeks to argue that challenges have been preferred by the said respondent.
13. However, such submissions are entirely beyond the scope of the present contempt jurisdiction.
14. Learned counsel for the petitioners submits that the order under contempt categorically directed the alleged contemnor to conclude the hearing within a particular timeline which has been flouted, thus giving rise to a contumacious act.
15. However, this court is unable to agree with such contention.
16. The premise of penalizing a person under contempt jurisdiction is that there must be some willful and deliberate violation of the order of the court.
17. The timeline stipulated in the order under contempt was in the nature of a direction *in terrorem* and as such, cannot be so strictly construed as to penalize a person merely for crossing the said period.

18. Particularly, in the present case, it is found that there was no willfulness or deliberate act on the part of the alleged contemnor in concluding the hearing late.
19. Sufficient justification for the delay in conclusion of the hearing has been furnished before this court.
20. As such, this court desists from penalizing the alleged contemnor for willful violation of its order.
21. Accordingly, WPCRC 95 of 2025 is discharged. CPAN 188 of 2025 stands disposed of accordingly.
22. Needless to say, further personal appearance of the alleged contemnor is dispensed with.

(Sabyasachi Bhattacharyya, J.)