

In The High Court at Calcutta

Special Civil Jurisdiction

Appellate Side

Coram:

The Hon'ble Justice Jay Sengupta

CPAN 550 of 2024

With

CAN 1 of 2025

In

WPA 24711 of 2023

Sri Soumen Kumar Aditya & Ors.

Vs.

Mr. Dhritiman Sarkar & Ors.

For the petitioners : Mr. Debasish Das

For the alleged contemnors: Ms. Munmun Ganguly

Heard on : 17.12.2025

Judgment on : 17.12.2025

Jay Sengupta, J.:- This is an application under the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India praying for appropriate relief in respect of wilful violation of the order dated 8.1.2024 in WPA 24711 of 2023 passed by this Court.

Second supplementary affidavit filed by the applicants is taken on record.

Learned counsel appearing on behalf of the applicants submits as follows. By the order dated 8.1.2024 this Court recorded as under:

“Let the police authorities take the matter seriously so that the petitioners does not have to approach this Court again.

Let the FIR registered at the behest of the petitioners be taken to its logical conclusion at the earliest. The investigation would include necessary steps like seizing of stolen articles.

The police shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and no harm is done to the life and property of the petitioners. The surveillance shall include frequent visits by police patrol.

In the event any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to call up the Officer-in-Charge of Sabang Police Station when the police authorities shall act in accordance with law.”

He further submits that in spite of the aforesaid directions, the private respondents violated the order. In fact, on one occasion they trespassed upon the petitioners' land and assaulted the petitioners in the presence of the local police officer. There is a clear case of contempt of Court made out by the deliberate inaction on the part of the alleged contemnors.

Learned counsel appearing for the alleged contemnors relies upon the compliance report and submits as follows. Immediately after passing of the

order by this Court, the police authorities started patrolling the area to keep sharp vigil. As would be evident from the paragraph 6 of the compliance report, as many as 18 G.D Entries were lodged in respect of patrolling duty in this regard. That apart, pursuant to a complaint lodged by the petitioners, one of the accused was arrested. A proceeding was also initiated under Section 107 of the Code. However, if a further cause of action arises, which is distinct in nature from the ones which were covered by the earlier directions, the same would lead to a fresh cause of action for the petitioners. The alleged contemnors have taken all steps to ensure peace prevails. On the contrary, there was negligence on the part of the petitioners at least in causing delay in supplying copies of affidavits to the alleged contemnors.

I have heard the learned counsels for the parties and perused the application and the affidavit filed.

It appears that police authorities having indeed taken certain steps in compliance with the order passed by this Court. Several G.D Entries were lodged in respect of patrolling duty for keeping vigil at the locale. A proceeding was initiated under Section 107 of the Code.

In view of the above, I find that there has been no deliberate violation of the order passed by this Court on 8.1.2024 by the alleged contemnors.

Therefore, the application for contempt is dismissed and the notices are discharged.

However, it is expected that the alleged contemnors shall continue to obey the order passed earlier.

In the event there is any fresh cause of action, the petitioners shall be at liberty to take appropriate steps in accordance with law.

With the aforesaid observations, the contempt application being CPAN No. 550 of 2024 is disposed of.

The connected application shall also stand disposed of.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)