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11.03.2025
Ct. No. 11
rrc

MAT 681 of 2024
with
IA CAN 1 of 2024
(Smt. Purnima Sarkar & Ors. Vs. Smt. Kukta
Arya & Anr.)

Mr. Milan Chandra Bhattacharya, Sr. Adv.
Mr. Goutam Banerjee
Ms. Sulagna Bhattacharjee
Mr. Raja Ghosh

.... For the appellants

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal

..... For the State respondents

The present appeal has been preferred challenging an order dated 15th March, 2024 passed by the learned single Judge in a contempt application being CPAN 1381 of 2023 filed in connection with a writ petition being WPA 13855 of 2008. By the said order, the contempt proceeding was dropped observing *inter alia* that such direction shall not preclude the appellants to take steps in accordance with law against the inspection report prepared by the alleged contemnors based on inspection held on 26th September, 2023.

Drawing our attention to the order dated 12th June, 2023 passed by the learned single Judge in the writ petition being WPA 13855 of 2008, Mr. Bhattacharya, learned senior advocate appearing for the appellants submits that there was a specific direction upon the LA Collector to determine the question of compensation after receiving the survey report but such direction has not been complied with. Such inaction on the part of the LA

Collector is a blatant instance of deliberate violation of the order passed by the learned single Judge on 12th June, 2023.

He further argues that the issue as to whether the survey report was discrepant could have been agitated by the appellants before the LA Collector, who was directed by the Court to determine the question of compensation, had the said officer considered the said question in consonance of the order dated 12th June, 2023.

According to Mr. Bhattacharya, the learned single Judge abruptly dropped the contempt proceeding without disclosing the reasons. It ought to have been appreciated that the alleged contemnors have acted mechanically without taking into consideration the observations made in the said order dated 12th June, 2023. Such arguments, as advanced, were not glossed over by the learned single Judge and no finding was returned on the same. Such infirmity warrants interference of this Court.

Mr. Bandyopadhyay, learned advocate appearing for the State respondents, however, denies and disputes the contention of Mr. Bhattacharya and submits that non-compliance of an order has to be wilful and deliberate. The alleged contemnors have not violated the said order dated 12th June, 2023 in any manner whatsoever. Once an order has been passed by a party to a proceeding on the basis of the direction issued by the Court, there arises a fresh cause of action to seek redressal in an appropriate forum and such action does not constitute contempt.

He argues that the observations made in the order dated 12th June, 2023 need to be considered together and not in isolation. A particular clause cannot be taken up and highlighted. A composite perusal of the order dated 12th June, 2023 would reveal that there had been no violation of the order.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

A perusal of the order dated 12th June, 2023 reveals that the Court directed the competent authority to conduct a survey to ascertain as to whether 17 decimal of land lying on the Western Side of the road pertains to plot No. 1094 and as to whether the said portion of land is within 21.75 decimal of the appellants' acquired land. Such survey was duly conducted in presence of the representatives of the appellants, the PWD Authorities and the concerned Block Land & Land Reforms Officer and it was found that the said 17 decimal of land is a portion of 21.75 decimal of the appellants' acquired land. In view thereof, question of determination of any compensation did not arise.

There is no ambiguity in the order dated 12th June, 2023 and while dealing with an application for contempt the Court cannot traverse beyond the said order and cannot give any additional direction.

In our opinion, the learned single Judge rightly dropped the contempt proceedings, however, with liberty to the appellants to take steps, in accordance with law

against the inspection report. In such circumstances, we are not inclined to interfere with the order impugned in the present appeal.

Accordingly, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)