

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION
APPELLATE SIDE

CPAN 805 of 2024
in
WPA 464 of 2024

Ashok Kumar Maity
Vs.
Amit Kumar Sahoo & Anr.

Mr. Shahan Shah
... For the applicant/petitioner

Mr. K.J. Yusuf, AGP
Ms. Rupsha Chakraborty
... For the alleged contemnor no.1

1. Learned advocate representing the petitioner submits that despite the order of the Court dated 10th January, 2024 being communicated to the contemnors, the Pradhan of the Frejargunj Gram Panchayat constructed concrete road over the private land of the petitioner.

2. Learned advocate representing the Block Development Officer, being the contemnor no.1, submits, upon instruction, that the Block Development Officer was intimated by the Pradhan that the subject road was constructed prior to the order of the Court being passed. After the order was passed by the Court, no construction has been made.

3. It appears from the order dated 10th January, 2024 that a title suit in respect of the subject plot of land is pending consideration before the learned civil court.

4. As it has been submitted that the construction in question was made prior to the order passed by this Court, accordingly, the Court is not inclined to pass any further order in the matter. The authorities are restrained from making any further construction.

5. It has been submitted that the Pradhan is not a party in the title suit and the order passed in the suit will not bind the Pradhan. As the Pradhan disputes construction of the road after order was passed by the Court, accordingly, such disputed question of fact cannot be decided in the contempt application. It will be open for the petitioner to agitate his grievance before the competent forum in accordance with law, if so advised.

6. The contempt application stands disposed of.

7. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)