

10-07-2025

Item no.209

Subrata

Bhattacharyya

AR(C)

IN THE HIGH COURT AT CALCUTTA

Special Civil Jurisdiction

Appellate Side

WPCRC No.85 of 2024

Sahadeb Maity & Anr.

-VS-

Samir Pramanik & Ors.

arising out of

WPA No.9596 of 2020

Mr. Pawan Kumar Gupta, adv.

Mr. Vijay Verma, adv.

Ms. Sofia Nasan, adv.

Mr. Abhimanyu Banerjee, adv.

Mr. Santanu Sett, adv. ...for the petitioners

Mr. Nilotpall Chatterjee, adv.

Mr. Debapriya Chatterjee, adv. ...for the State

Mr. Syamal Kumar Das, adv.

Ms. Indrani Nandi, adv. ...for the contemnor no.1

Mr. Saptansu Basu, sr. adv.

Mr. Prasanta Kumar Banerjee, adv.

Ms. Priyanka Jana, adv.

Ms. Krishna Yadav, adv.

...for the contemnor nos.2 & 3

Mr. Shankha Maity, adv.

Mr. Aditya Sinha, adv. ...for the contemnor no.4

1. Enquiry report filed by the Assistant Director and Block Land & Land Reforms Officer, Khanakul-II, Hooghly dated July 8, 2025 filed in Court be taken on record. A copy of the same has been circulated to learned counsels for the respective parties.
2. It appears therefrom that as per the present computerized LR record of rights of LR Plot No.678, Mouza Rajhati, J.L. No.82 out of total area of 0.04 acre, an area of 0.03 acre have been recorded in the LR Khatian No.1 in the name of the Collector and the

rest measuring 0.01 acre has been recorded in favour of the pattadar, namely Nemai Sankar Parial, son of Achutananda vide LR Khatian No.5322.

3. The report mentions that no portion of LR Plot No.678 is used as pathway at present. The report also mentions that a portion of the four storied building which is under construction by the sixth and seventh respondents in the writ petition, Biplab Ghora and Pratima Ghora, has encroached land measuring 0.03 acre of plot no.678 which is presently recorded in LR Khatian No.1.
4. A portion of the said four storied building which is under construction by the aforesaid respondents has also encroached the land measuring 0.01 acre of plot no.678 in Khatian No.5322 which is standing in the name of Nemai Sankar Parial. A photocopy of the LR information Plot no.678 has been annexed with the report.
5. The Court disposed of the writ petition by directing the Panchayat to arrive at a decision as to whether the land in question is a public pathway and as to whether the construction that has been made thereon is in accordance with the sanction granted by the Gram Panchayat.
6. Learned counsel representing the Pradhan asserts that construction has been made in terms of the sanction issued by the Gram Panchayat.
7. Learned counsel for the petitioners submits that sanction could not have been issued.
8. The aforesaid issues, I am of the opinion, cannot be decided in the contempt jurisdiction.
9. It will be open for the parties to agitate all issues before the competent forum in accordance with law, if so advised.
10. The contempt application is disposed of. The

Contempt Rule stands discharged.

11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]