

AD-04
Ct No.16
14.11.2025
TN

WPCRC 143 of 2025
in
WPA 2373 of 2022

Sri Saroj Bera
Vs.
Mr. Santanu Bhowmick

Mr. Anil Jana,
Ms. Rita Patra

....for the petitioner

Mr. Sk. Md. Galib, Sr. Govt. Adv.,
Ms. Munmun Ganguly,
Ms. Deboleena Ghosh

....for the alleged contemnor

1. An affidavit showing cause for the absence of the alleged contemnor on the previous date is filed today. It is evident therefrom that the alleged contemnor had referred the matter to the Legal Remembrancer where it was pending for appointing an Advocate. As such, the Court finds from the said explanation that it is sufficient to justify the absence of the alleged contemnor on the previous date, when the matter was called on. Such cause is accordingly accepted.
2. An affidavit of compliance is also filed today on behalf of the alleged contemnor. The order, from which the present contempt application arises, was passed by this Court in WPA 2373 of 2022 on April 26, 2023. The alleged contemnor was thereby directed to consider the representation of the writ petitioner as

expeditiously as possible and in accordance with law, upon giving an opportunity of hearing to all concerned, including the writ petitioner, positively within six weeks from the date of communication of the order, and, if *prima facie* satisfied that there was an illegal encroachment, to initiate the necessary action in due course of law on such score.

3. From the affidavit of compliance filed today, it is seen that in compliance of the said order, a hearing was given to the interested parties and vide Order No.2 dated September 16, 2025 passed in Case No. Misc/SDK/26/2025, the alleged contemnor had come to the conclusion that there was an illegal encroachment on the disputed property and, within the contemplation of Section 10(3) of the West Bengal Highway Act, 1964, had also passed necessary directions for recovery of possession and removal of encroachment of the subject PWD land.
4. For such purpose, the Block Land & Land Reforms Officer, Sagar was also directed by the alleged contemnor to assist in the process by clearly demarcating the occupied PWD land at the field.
5. It also transpires from Annexure-K to the affidavit of compliance that subsequently an appeal has been preferred against the said order dated September 16, 2025.

6. Thus, it is evident that substantial compliance of the order of this Court has been done by the alleged contemnor by giving adequate hearing to all interested persons and adjudicating the matter on merits as well as by taking appropriate steps for removal of the encroachment.
7. However, the alleged contemnor cannot be blamed for not having pursued the matter further, since an appeal has been preferred and is now pending against his order and his hands are tied at present.
8. In view of the above, this Court is of the opinion that no act of contempt subsists.
9. Accordingly, WPCRC 143 of 2025 is discharged. CPAN 983 of 2025 stands disposed of accordingly.
10. Needless to say, further personal appearance of the alleged contemnor is dispensed with.

(Sabyasachi Bhattacharyya, J.)