

02.09.2025
Item No.36
Ct. No.01
SM/RP

CPAN/1065/2025
in
WPA(P)/199/2024

ARABINDA GHOSH AND ORS.
VS.
ROSHNI SEN AND ORS.

Mr. Sankha Ghosh, Adv.
Mr. Biswarup Nandy, Adv.

...For the Applicants

Mr. Lalit Mohan Mahata, Adv.
Mr. Rudranil De, Adv.
Mr. P.B. Mahata, Adv.

...For the State

Mr. Tapash K. Bhattacharya, Adv.
Mr. Aviroop Bhattacharya, Adv.

...For the Respondent No.4

1. Affidavit-of-service filed by the applicants is taken on record.
2. This contempt application has been filed alleging wilful disobedience of the order and direction issued in WPA(P) 199 of 2024 dated 20th June, 2024. The operative portion of the order reads as follows:-

“10. Accordingly, there will be a direction to the private respondents to immediately remove the boundary wall and restore the previous condition of the pond and its embankment to the satisfaction of the Board of Councillors.

11. This direction shall be complied with by the private respondents within 15 days from the date of receipt of the server copy of this order, failing which, the Katwa Municipality as well as the office of the Assistant Director of Fisheries Department and all other officers shall demolish the

boundary wall as well as the pillars, the foundation and remove the unauthorised filling up of the pond and restore the pond and its embankment to its original condition and recover the entire charges from the private respondents.

12. In the event the private respondents failed to comply with this order, the authorities are also entitled to lodge criminal complaint against the private respondents.

13. To oversee the demolition activities and to implement the order, the 11th respondent, namely, the Officer in Charge of the Katwa Police Station is directed to provide adequate police assistance.”

3. The learned government counsel appearing for the respondents has filed the written instruction given by Assistant Director of Fisheries, Purba Bardhaman dated 3rd July, 2025, along with annexures wherein copy of the joint enquiry report has been annexed.
4. The allegation of the applicants is that there has been only part compliance of the order and the restoration of the pond is yet to be done. The joint compliance report reflects the following:-

*“1. The said plot is classified as pond. Topographically it does not mean that the entire 0.40 Acre is a water body. It has its embankment whose area is not specified in the plot information in LR map, however it is clearly mentioned in RS map. On the basis of report of local commission of the court of Ld. Civil Judge (Jr. divn.), 1st Court, Katwa title suit no.253 of 2024, the Additional Director of Surveys & Ex-Officio Jt. Secretary, Directorate of Land Records & Surveys, West Bengal passed the necessary rectification order of the existing LR map (Vide His letter no.12/220/D/2020(Pt.-1) dated Alipore the 07.04.2025. It can therefore be safely deduced that there is no separate dag no. for the ‘**pukur par**’. Relevant sketch map, copy of RS map, LR map & the said order is attached for ready reference.*

2. There is no concrete structure within that 0.40 acre has been found inside the pond during spot visit by the undersigned.”

5. From the above, it is seen that there is a title suit pending; it is not clear who are the parties to the suit. In any event, unless and until this report is challenged by the applicants by way of appropriate proceeding before the appropriate forum, this Court cannot stretch the directions issued in the writ petition any further in this contempt application.
6. Accordingly, the contempt application is disposed of leaving it open to the applicants if he has still any grievance to agitate the same before the appropriate forum in accordance with law.

**[T.S. SIVAGNANAM]
CHIEF JUSTICE**

[HIRANMAY BHATTACHARYYA, J.]