

20.03.2026

Sl. No.: 10

Court No.236

BM

CPAN 177 of 2026

PRASANTA MAITI AND ANR.

VS

MANAS DAS, ASSISTANT ENGINEER

in

WPA/14262/2025

SAHADEB SINGH AND ORS.

VS

STATE OF WEST BENGAL AND ORS.

Mr. Bishajib Ghosh

Mr. Sourojit Dasgupta

Mr. Abhishek Agarwal

... for the writ petitioners

Mr. Debasish Das

... for the applicant

Mr. A. K. Ganguly

Mr. Bellal Shaikh

Mr. Protim Chakraborty

Ms. Raima Ganguly

... for the alleged contemnor

1. The applicants of the instant contempt application are the private respondents in the writ petition.

2. The writ petitioners and the alleged contemnor are represented by their respective counsels.

3. On perusal of the earlier order dated 27.02.2026, it reveals that on the said day in paragraph 7 of the said order dated 27.02.2026, this court observed that on the returnable date the learned Advocate for the applicant/private respondent is to satisfy this court on the point of maintainability of the instant contempt petition.

4. At the time of hearing, Mr. Debasish Das learned Advocate appearing on behalf of the applicants at the very outset draws attention of this court to the order dated 16.01.2025 as passed by the Sub Divisional Magistrate, Tamluk, Purba Medinipur in a proceeding under Section 10(3) of the West Bengal Highways Act, 1964 hereinafter referred to as 'said Act' in short.

5. It is submitted that pursuant to the said order dated 16.01.2026 the said authority passed an order for removal of encroachment which was unsuccessfully challenged before the District Magistrate. It is submitted further that in the writ petition being WPA No.14262 of 2025, the order dated 05.06.2025 as passed by the jurisdictional District Magistrate was under challenge which was however dismissed by this court by an order and judgement dated 31.10.2025.

6. It is further submitted that the said Judgement and Order dated 31.10.2025 was also assailed before a Division Bench of this court by filing MAT 2099 of 2025 which was also dismissed by a judgement dated 22.12.2025. It is thus submitted by Mr. Das that on account of dismissal of the said appeal before the jurisdictional District Magistrate, dismissal of the writ petition and dismissal of the intra court appeal, the alleged contemnor is duty bound to implement the order dated 16.01.2025 whereby and whereunder the Sub

Divisional Magistrate, Tamluk, Purba Medinipur passed an order for removal of the encroachment.

7. It is thus submitted that in view of deliberate violation of the order of this court, a Rule of Contempt may be issued against the alleged contemnor.

8. Learned Advocate appearing on behalf of the alleged contemnor however, submits that on perusal of the Judgement and Order dated 31.10.2025 as passed by this court in WPA 14262 of 2025, it would reveal that the writ petition was dismissed by this court wherein the order of appeal dated 05.06.2025 as passed by this jurisdictional District Magistrate was impugned.

9. It is further submitted on behalf of the alleged contemnor that since no case has been made out for alleged violation of this court's order, the instant contempt application is not at all maintainable.

10. Mr. Ghosh, Learned Advocate appearing on behalf of the writ petitioner adopts the argument of the alleged contemnor.

11. On careful consideration of the entire materials placed before this court and after hearing the learned Advocate for the contesting parties, this court finds that by the Judgement and Order dated 31.10.2025 this court dismissed the writ petition wherein the order dated 05.06.2025 as passed by the jurisdictional District Magistrate in a proceeding (in case No.01/2025) under Section 10(4) of the said Act was impugned.

12. It is further noticed that under cover of the said Judgement and Order dated 31.10.2025 this court passed no positive direction upon the alleged contemnor.

13. It appears to this court that by filing the instant contempt application the present petitioner being the private respondent in WPA 14262 of 2025 has made an attempt to implement the order dated 16.10.2025 as passed by the Sub Divisional Magistrate, Tamluk, Purba Medinipur which in considered view of this court is beyond scope of contempt proceeding, since nothing could be placed on behalf of the present applicant/private respondent that the alleged contemnor deliberately flouted the order of this court.

14. With the aforementioned observation, this court is constrained to hold that the instant contempt application is not maintainable and is thus hereby dismissed.

15. Before parting with it is made clear that dismissal of the instant contempt application will not prevent the present applicants to ventilate his grievance in an appropriate proceeding for implementation of the order dated 16.01.2025 as passed by the Sub Divisional Magistrate, Tamluk, Purba Medinipur.

(Partha Sarathi Sen, J.)