

Form No. J.(2)
Item No. 13
AB

In the High Court at Calcutta
Special Civil Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

C.P.A.N. 1255 of 2025

in

W.P.A. 17972 of 2024

Ratna Kundu & Ors.

Vs.

Mr. Sharad Kumar Dwivedi,
Land Acquisition Officer, North 24 Parganas

For the petitioners : Mr. Subhabrata Datta, Advocate
Mr. Swapan Kar, Advocate

For the contemnor : Mr. Susovan Sengupta, Ld. Sr. Govt. Adv.
Mr. Subir Pal, Advocate

Heard on : November 14, 2025

Judgment on : Nov ember 14, 2025

Aniruddha Roy, J.

This is a contempt proceeding arising from an order dated **December 9, 2024, annexure A** at **page 19** to the contempt application. The relevant observation and direction of this Court from the said order dated **December 9, 2024** is quoted below:

“The sole grievance of the petitioners is that, since the quantum of compensation have not been enhanced by the jurisdictional Civil Court the petitioners have initiated proceeding under Section 28A of the Land

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Acquisition Act, 1894 and the same is still pending before the respondent no.3.

In view of the above, the respondent no.3 is directed to dispose of the said application of the petitioner, Annexure-P1 at page 11 to the writ petition by passing a reasoned order, in accordance with law positively within a period of six months from the date of communication of this order.

It is made clear that this Court has not gone into the merits of the claim of the petitioners made in the said application filed by the petitioners under Section 28A of the Land Acquisition Act, 1894 and the jurisdictional authority shall decide the same independently in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, WPA 17972 of 2024 stands disposed of, without any order as to costs.”

Pursuant to and in terms of the said direction, the alleged contemnor has passed its reasoned order dated **January 14, 2025** with the following finding:

“In view of above findings it is evident that the subject land of the writ petitioners is

covered by the same notification u/s 4(1a) of Act-II, 1948 in LA case LA-II/22 of 1988-89, as of case no. LRA 62/2001 and 63/2001 (v). The claim of the petitioners u/s 28A of Act-I, 1894 claiming redetermination of compensation u/s 28A as per order of enhancement of compensation passed by the Ld. L.A. Judge in L.R.A. Case No. 62 of 2001 and 63 of 2001 passed on 31.08.2017 has merit.

In view of above, it may be held that the petitioners claim satisfies the condition viz. filing of petition within prescribed time and the land under claim is also covered by the same notification u/s 4(1A) of West Bengal land (Requisition and Acquisition) Act, 1948 but the criteria as to whether the awardee being predecessor in interest was aggrieved upon the compensation paid by the Collector. The record shows that the compensation was received without any protest which may be considered that the amount of compensation determined by the Collector in LA Case was admitted by him. However, considering the object of introducing section 28A, the prayer for redetermination of compensation as enhanced by the Ld. L.A. Judge may be allowed.

I hold so.

Hence, ordered that redetermination of compensation of the applicant being the legal heirs of the original awardee may be made in

respect of components of compensation as indicated hereinabove as per enhanced compensation passed by the Ld. L.A. Judge in LRA Case No. 62 and 63 of 2001.

Before parting with the case it is worth mentioning that the claim of redetermination u/s 28A is on 8th November, 2017 and the direction of the Hon'ble High Court is on 09.12.2024 and is thus complied with.

The Deputy Director, WBLRS and Land Acquisition Officer, North 24 Parganas is directed to prepare the award in terms of this order in due course.

And the case is thus disposed of.

Certified copy of the order, if applied for, be provided as per prescribed procedure.”

Copy of the reasoned order dated **January 14, 2025** has been placed before this Court by Mr. Susovan Sengupta, learned Senior Government advocate, the same is taken on record.

Mr. Subhabrata Datta, learned advocate appearing for the petitioners has also admitted the said reasoned order having been passed.

Referring to the said reasoned order Mr. Datta, learned advocate appearing for the petitioners has submitted that, the alleged contemnor has acted in violation of the direction of this Court in a contumacious manner for the reasons as follows:

(a) The reasoned order was not passed within six months from the date of communication of the direction of this Court and

*(b) The reasoned order has not been passed in accordance with law as mentioned in the direction dated **December 9, 2024.***

Learned advocate for the petitioners has placed an order of the jurisdictional learned Land Acquisition Judge, North 24 Parganas dated **September 18, 2017**, the same is taken on record. Referring to the said order passed by the learned L.A. Judge learned advocate for the petitioners submits that, while enhancing the compensation for the acquired land the learned L.A. Judge had held that the petitioners are entitled to five folds of reliefs which are mentioned therein. By showing a comparative study of the reasoned order and the said order passed by the learned L.A. Judge learned counsel for the petitioners submits that, the awarding of interest as held by the learned L.A. Judge has not at all been considered and awarded in the reasoned order passed by the alleged contemnor. This, according to the learned advocate for the petitioners is not in accordance with law as directed by this Court in its direction dated **December 9, 2024.**

On the strength of the above submissions learned advocate for the petitioners submits that, contempt has been committed by the alleged contemnor.

Mr. Susovan Sengupta, learned advocate appearing for the alleged contemnor submits that, the reasoned order has been passed strictly in accordance with the direction of this Court and there is no contempt.

After considering the rival contentions of the parties and upon perusal of the materials on record, this Court at the outset, reiterates the settled legal position for adjudicating a contempt proceeding. A Court while adjudicating a contempt proceeding shall not travel beyond the order and the direction passed by it. The Court cannot assess the correctness or quality of the reasoned order, as in the instant case. The phrase, in accordance with law cannot be defined in a straight jacket formula. Understanding of law and perception of law may differ from individual to individual. If the impugned order, as in the instant case suffers from any legal infirmity, as submitted on behalf of the petitioners, the petitioners may take legal recourse to it by challenging the same in accordance with law but not in a contempt jurisdiction. The alleged contemnor while passing the reasoned order might or might not erred in law or has passed the order without appreciating the actual legal provision but that cannot be gone into in contempt jurisdiction.

On perusal of the reasoned order, this Court is satisfied that, direction of this Court has substantially been complied with by the alleged contemnor and the material compliance is there, though the same was not considered within the time frame of six months specified by this Court. Since material and substantial compliance is there and considering the grave punishment and consequences of a contempt proceeding, this Court is of the firm view in the facts of this case sufficient compliance of the direction of this Court has been made by the alleged contemnor.

It is also made clear that, this Court has not gone into the merits or the correctness of the reasoned order dated **January 14, 2025** and if the petitioners are aggrieved with the same, the petitioners shall be at liberty to proceed to challenge the same in accordance with law.

In view of the above discussions and reasons, this Court holds there is no act of contempt.

Accordingly, this contempt proceeding **CPAN 1255 of 2025** stands **dropped** and **closed**.

Accordingly, the application being **CPAN 1255 of 2025** stands **dismissed**.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)