

24.04.2025
Court No. 36
Sl. No.08
CP

CPAN No. 851 of 2022
In
W.P.A. No. 8547 of 2022

Himangshu Sekhar Pati
Vs.
Sri Nitish Malakar

Mr. Purnasis Bhuniya

.....for the Applicant.

Mr. Biswabrata Basu Mallick

....for the alleged contemnor.

The writ petition was filed alleging encroachment by the respondent nos. 13 to 16 therein. According to the applicant, the land purchased by the applicant was encroached upon and a construction under the Pradhan Mantri Awas Yojana was being raised.

This Court had disposed of the writ petition upon holding that the issue of title over the land which was claimed by both parties, could not be decided by the panchayat authorities. However, liberty was granted to the applicant to approach the concerned Block Land and Land Reforms Officer for demarcation. It was directed that the applicant and the respondent nos. 13 to 16 therein, should be present during such demarcation. The panchayat authorities were directed to ensure that no illegal construction, in deviation of any plan or drawing that

may have been granted by the competent authority under the Pradhan Mantri Awas Yojana, should be allowed.

The applicant approached the Block Land & Land Reforms Officer, Mohanpur, Paschim Medinipur. First time, the applicant alleged that he was not present during inspection and demarcation. For the second time the applicant alleged that demarcation was not done properly. The third inspection was made and the report has been filed before this Court upon demarcation. The report contains a sketch map with the demarcations. The applicant is now aggrieved with the demarcation.

The fact that the applicant was present during such demarcation has been videographed and the pen drive has been produced before the Court. This Court does not find any intentional and flagrant violation of the order of the Court. The Block Land and Land Reforms Officer has demarcated the lands as per measurements in the deeds and documents. If the applicant is aggrieved by such demarcation, he has other remedies under the law. Most importantly, in such view of the matter, the dispute can only be decided in a civil suit.

Accordingly, the contempt application is disposed of. The contempt proceedings are dropped.

The petitioner is always at liberty to approach the appropriate forum.

(Shampa Sarkar, J.)