

20.05.2025
Court No. 36
Item No. 12
Cp

CPAN No. 1234 of 2023
In
WPA No. 13690 of 2022

Aklima Bibi Mondal
Vs.
Mr. Kunal Biswas

Mr. Keshab Chandra Das

... for the applicant.

Mr. Rajarshi Basu

.....for the alleged contemnor.

1. The petitioner/applicant alleges contempt on the part of the Officer-in-Charge, Monteswar Police Station. According to the petitioner, the concerned police authority did not comply with the order of this Court dated August 10, 2022.
2. This Court had found that the dispute was with regard to demarcation of property. The petitioner as also the respondent nos. 4 to 6 in the said writ petition, claimed title by inheritance. The property was undivided and there was no demarcation. The applicant had received permission for construction of a foundation from Jamna Gram Panchayat. As the property was not demarcated, the respondent nos. 5 to 9 in the writ petition had raised objection. An altercation took place. Apprehending breach of peace, a prosecution under Sections 107 and 116(3) of the Code of Criminal Procedure was submitted

against one Iman Sk. And three others. The petitioner's son also alleged about an altercation and use of abusive language over demarcation of the property. A general diary had been registered against Hachen Sk. And Kasem Sk.

3. Under such circumstances, this Court disposed of the writ petition directing the police to keep a vigil and to ensure that the petitioner's possession was not disturbed. The pleadings in paragraphs 1 and 2 of the application (CPAN 1234 of 2023) deal with the contents of the writ petition and the grounds taken therein. Paragraph 3 deals with the order passed by this Court. Paragraphs 4 to 7 deal with the communication of the order to the alleged contemnor and reminders. Paragraphs 8 to 13 are submissions that the order of this Court has not been complied with. There are no pleadings which deal with the contemptuous action of the alleged contemnor. Not a single instance has been pleaded which would demonstrate that the police authority had not taken steps as directed. The Court had directed the police authority to keep a vigil and to see that the petitioner's possession was not disturbed.
4. The Court recorded that the dispute was with regard to title over land. There are no pleadings in the application which would indicate that after the order of the Court was passed, the possession of the

petitioner was disturbed and despite approaching the police authorities, the police authorities did not take any steps. Vague and omnibus allegations have been made against the alleged contemnor.

5. The report of the alleged contemnor is taken on record. The said report clearly states that the complaint lodged by the petitioner's son, namely, Manik Mondal, was registered as an FIR and Monteswar Police Station Case No.274/22 was started. The investigation resulted in the filing of a charge-sheet against the FIR named accused.
6. It also records that the contemnor visited the residence of the petitioner and assured her that all lawful assistance would be rendered. Again on January 20, 2023, Manik Mondal filed a petition. An enquiry was held and prosecution under Section 107/116(C) of the Code of Criminal Procedure was filed. The police authority assured that sharp vigil would be continued from the end of the Monteswar Police Station at the locale of the petitioner, to ensure there is no breach of peace.
7. Under such circumstances, the contempt application is disposed of. Contempt proceedings are dropped, upon holding that the alleged contemnor is not guilty of contempt.

(Shampa Sarkar, J.)