

**In The High Court At Calcutta
Special Civil Jurisdiction
Appellate Side**

**C.P.A.N. 1678 of 2023
in
W.P.A. 11320 of 2023**

**Tapan Kumar Som
-versus
Naru Gopal Mukherjee & Anr.**

**Mr. Saptansu Basu, Sr. Adv.
Mr. Achintya Banerjee,
Mr. Ananta Shaw,
Ms. Sumita Shaw,
Mr. Soumen Chatterjee,
Ms. Shayani Das.
...For the Petitioner.**

**Mr. Asish Kumar Guha,
Mr. Anirban Datta.
...For the State.**

**Mr. Arindam Das,
Mr. Snehasish Ghosh.
... For the alleged contemnors.**

1. The Court vide order dated 13th October, 2023 disposed of the writ petition by holding that the act of the municipality in breaking open the padlock to enter into the petitioner's property cannot be supported and the municipality was restrained from interfering with the peaceful possession of the subject plot till any order is obtained from the competent court. As on date, no order has been obtained from any forum permitting the municipality to take possession of the petitioner's land.

2. The inspection report filed by the Block Land and Land Reforms Officer, Sadar, Berhampore, Murshidabad signed on 20th January, 2025 be retained with the records.

3. It appears therefrom that the compensatory water body that was created by the owner is approximately 0.2400 acres and a stack of earth was identified on the remaining 0.0900 acres of the subject plot. The conversion order relying upon which the subject land was converted from 'Pukur' to 'Viti' was a conditional one.

4. The municipality asserts that the condition of creating the compensatory water body was not complied with and, accordingly, the municipality took possession of the subject land under Section 17 of the West Bengal Inland Fisheries Act, 1984.

5. Today submission has been made by the learned advocate appearing on behalf of the municipality that the petitioner has broken the padlock and has entered into possession of the subject plot.

6. Learned advocate appearing on behalf of the petitioner denies the aforesaid contention.

7. Nevertheless, as it appears that there is neither any order from the competent forum permitting the municipality to take forceful possession of the subject land nor there is any order from any competent forum recalling the order of conversion, accordingly, the municipality cannot forcefully hold back the possession of the land of the petitioner.

8. The contempt application stands disposed of directing the parties to act in strict compliance of the direction passed by the Court on 13th October, 2023.

9. As the learned advocates representing the State respondents have entered appearance in the matter in compliance of the direction passed by the Court, accordingly, the Government Pleader is requested to regularize the engagement of the learned advocates who represented the State in the contempt proceeding.

10. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)