

10.02.2025
Item No.11
Monthly List
Ct. No.26
CHC

CPAN 1952 of 2024
[In Title Suit No.107 of 1984]

Sushanta Ghosh & Ors.
Vs.
Tuhin Kumar Ghosh, The B.L. and L.R.O., Katwa-I
& Anr.

Mr. Sounak Bhattacharya, Advocate
Mr. Amal Kumar Saha, Advocate
Mr. I. Paul, Advocate
...for the petitioners

Mr. Nilotpal Chatterjee, Advocate
Mr. Munmun Ganguly, Advocate
...for the alleged contemnor no. 1

Mr. Tapash Kumar Bhattacharya, Advocate
...for the alleged contemnor no.2
(Katwa Municipality)

1. Petitioners complain of violation of a decree passed by a Civil Court in this contempt petition.
2. We called for affidavits by our order dated January 6, 2025.
3. Affidavits filed in Court be taken on record.
4. Stand of the Katwa Municipality through its Chairman in its affidavit is that, Katwa Municipality does not require the subject plot for any purpose for the use of the Municipality.
5. Stand of the State in its affidavit is that, they did not disturb the possession of the petitioners.
6. There subsists a decree passed by a Civil Court declaring right, title and interest of the petitioners in respect of the subject plot. There also subsist a

decree for permanent injunction restraining State from disturbing the possession of the petitioners in respect of the subject plot.

7. In the factual conspectus as noted above, we enquired from the learned advocate appearing for the petitioners as to the present status of the plot concerned.
8. Learned advocate appearing for the petitioners, on instructions submits that, after the filing of the contempt petition, the disturbance as to the possession of the petitioners with regard to the subject plot by the Municipality was removed. As on date, neither the State nor the Municipality are disturbing the possession of the petitioners.
9. That being the situation and since, there subsists a decree of declaration and permanent injunction passed by a Civil Court, we are not minded to interfere any further under the Contempt of Courts Act, 1971 or under Article 215 of the Constitution of India.
10. **CPAN 1952 of 2024** is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)