

Court No. 2
(1490)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

02.04.2025
(JPD 57)

CPAN 43 of 2023

(S. Banerjee)

Jagadish Prasad Agarwal & Ors.
Vs.
Sirshendu Saha

in
WPA 1249 of 2023

Mr. Amelsh Ray, Sr. Advocate
Mr. Nigam Mittal
Ms. Perna Mitra
Ms. Debashree Biswas

... for the petitioners

Mr. Subir Kumar Saha
Mr. Momenur Rahman

... for the alleged contemnor

Ms. Supriya Singh

... for the NHAI

Re: CPAN 43 of 2023

In this application the petitioners have alleged violation of the order dated January 5, 2024. By the said order this Court passed the following direction:

“Since only a portion of plot no. 460 has been acquired, unless the portion which has been acquired is demarcated, the remaining portion which has not been acquired cannot be ascertained.

In view thereof, this Court is of the considered view that a survey of RS Plot No. 460 is to be made by properly demarcating

the portions of the said plot which is the subject matter of the aforesaid acquisition proceedings.

Let such demarcation be made under the supervision of the Land Acquisition Collector, Darjeeling being the 5th respondent The work of demarcation shall be carried out in the presence of the officials of the respondent no. 9, Siliguri Regulated Market Committee and respondent no. 12 i.e. Siliguri Municipal Corporation.

The SRO-II and Officer in-Charge, Siliguri Municipal Corporation Area (LR) is directed to depute a team of competent Surveyors, Amins and cooperate with the 5th respondent for the purpose of demarcation.

Let such work of demarcation be completed by the 5th respondent within a period of three weeks from the date of receipt of a server copy of this order upon prior notice to the petitioners and the aforesaid respondents.”

Mr. Ray, learned Senior Advocate appearing for the petitioners submits that the direction contained in the said order to demarcate the portion of RS Plot No. 460 which was the subject-matter of the acquisition proceeding, has not yet been done.

When this matter is taken up for hearing, learned advocate appearing for the alleged contemnor files the compliance report.

After going through the said compliance report this Court finds that the acquired portion of plot no. 460 within Mandlaguri has been demarcated and has been indicated by red colour in the map which forms part of such report. From the attendance sheet it appears that one Vijay Mitruka, the representative of the petitioners, was also present.

Thus, this Court is of the view that the direction contained in the said order, has been complied with.

Mr. Ray, learned Senior Advocate for the petitioners was allowed an inspection of the map in course of hearing of this contempt application.

Mr. Rahman, learned advocate for the alleged contemnor undertakes to supply a copy of the compliance report to the learned advocate on record of the petitioners by tomorrow (03.04.2025).

CPAN 43 of 2024 is thus disposed of.

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Affidavit in opposition filed by the NHAI is taken on record.

Mr. Ray, learned Senior Advocate for the petitioners, prays for a week's time to file affidavit in reply to the affidavit in opposition filed by the NHAI. Such prayer is allowed.

Mr. Ray, learned Senior Advocate for the petitioners, prays for an opportunity to the petitioners to raise objection, if any, to the demarcation plan insofar as the acquired portion of plot no. 460 is concerned, which is part of the compliance report by filing an exception to the said plan.

Let such exception be filed within a week from date.

List this matter before the next available Circuit Bench.

(Hiranmay Bhattacharyya, J.)