

AD -7
Ct No.16
20.03.2026
(SSS)

CPAN 492 of 2025
in
CO 200 of 2021

Sk. Safik and Ors.
Vs.
Ahsan Ali and Anr.

Mr. Arif Ali,
Mr. Sarban Bhattacharjee, Advs.
.....For the petitioners.

Mr. Aniruddha Chatterjee, Snr. Adv.,
Mr. Abu Siddique Mallik, Advs.

...For the alleged contemnors.

1. There were several facets to the order under contempt, one of which was steps being directed to be taken for removal of the concerned *mutawalli*. It transpires, from the submissions of learned counsel for the petitioners as well as learned senior counsel appearing for the alleged contemnors and the report of compliance filed in the form of affidavit today by the alleged contemnors, that a decision has been taken on the petitioners' request for removal of the *mutawalli*, rejecting such prayer.

2. Learned counsel for the petitioners seeks liberty to challenge the said decision in accordance with

law. In any event, such liberty is always available to the petitioners.

3. Insofar as the other aspect of the contempt is concerned, it is seen from the report of compliance that due proceeding has been initiated by the alleged contemnors for removal of unauthorized encroachments on the subject property.

4. Learned counsel for the petitioners submits that a timeline may be fixed for closure of the said proceeding. However, no such timeline having been stipulated in the original order, it would be somewhat beyond the scope of the contempt jurisdiction to fix such timeline at this juncture.

5. Be that as it may, learned senior counsel appearing for the alleged contemnors, in his usual fairness and on instructions, assures the Court that the said proceeding for removal of unauthorized encroachments shall be concluded as expeditiously as possible. In view of the said assurance and taking into consideration the report of compliance, which is kept on record, it transpires that no useful purpose would be served in keeping the contempt application pending further, since there has been substantial compliance of all aspects of the parent order.

6. Accordingly, CPAN 492 of 2025 is disposed of as infructuous, without any order as to costs.

7. However, as mentioned above, the petitioners will be at liberty to challenge the decision rejecting the prayer for removal of *mutawalli* before the appropriate forum.

(Sabyasachi Bhattacharyya, J.)