

139. 21.05.2026
Court No.8
(Tanmoy)

MAT/777/2026
IA NO: CAN/1/2026

RAJU DAS
VS
BIDYUT KUMAR SARDAR

Mr. Tapash Kr. Mondal
Mr. Partha Sarathi Basu

...for the appellant.

Ms. Pranati Das

...for the respondent/
writ petitioner.

Dictated by Arijit Banerjee, J.

1. By consent of the parties, the appeal and the connected application are taken up together for hearing.

2. This appeal is directed against an order dated April 2, 2026, passed by a learned Judge of this Court in a contempt application being CPAN/2011/2025 arising out of WPA/10034/2024.

3. It appears that the respondent herein had filed the aforesaid writ application alleging encroachment by the present appellant on a PWD road. Proceedings under the West Bengal Highways Act, 1964, having been initiated, an order was passed directing initiation of proceeding under Section 10(1) of the West Bengal Highways Act, 1964, for removal of encroachment.

4. It appears that alleging that the said order was not complied with by the Sub-Divisional Officer, Alipore Sadar, a contempt application was filed by the writ petitioner, Bidyut Kumar Sardar, wherein initially only the said Sub-Divisional Officer was impleaded as a party-respondent. By the impugned order, the present appellant was directed to be added as alleged contemnor no.2 and the learned Judge directed notice to be issued upon both the contemnors along with copy of the contempt application. Being aggrieved, the added respondent in the contempt application has come up by way of this appeal.

5. This appeal does not appear to be maintainable under Section 19 of the Contempt of Courts Act, 1971. The contempt application has not been decided by the learned Single Judge and no punishment has been imposed on the present appellant, as yet.

6. Hence, on the ground of maintainability alone and without going into the merits of the case, we refuse to entertain this appeal.

7. The appellant says that he was not a party to the writ petition in which the parent order was passed.

8. This will not prevent the appellant from challenging the parent order in an appropriate proceeding, in accordance with law.

9. The appeal being MAT/777/2026 and the connected application being IA No: CAN/1/2026 stand disposed of accordingly.

10. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)