

06.03.2026

Ct. No. 38
Sl. No. 7
Moumita

In The High Court at Calcutta

Special Civil Jurisdiction
Appellate Side

**CPAN 1403 of 2025
in
WPA 9734 of 2024**

Santanu Panda & Anr.

-Vs.-

Souvik Bhattacharjee, Sub-Divisional Officer,
Contai, Dist- Purba Medinipur & Anr.

Mr. Sankar Prasad Dalapati
Mr. Pritam Chowdhury
Mr. Sourav Mondal

....For the Petitioners

Mr. Suddadev Adak
Ms. Richa Pramanik

....For the Alleged Contemnors

Affidavit-of-service, filed in Court today is
taken on record.

Mr. Pritam Chowdhury, learned advocate
appearing for the petitioner.

Mr. Suddadev Adak, learned advocate
appearing for the alleged contemnors submit a
reasoned order dated **January 28, 2026** along with
a bunch of documents passed by the alleged
contemnor no. 1 in exercise of its power under **Sub-
Section 3 to Section 10 of the West Bengal
Highways Act, 1964**. He further informs this Court
that the said order has been carried into appeal by
the private respondents in the writ petition being
the alleged encroachers under **Sub-Section 4 to
Section 10 of 1964 Act**. The appeal is pending.

Mr. Pritam Chowdhury, learned advocate appearing for the petitioner submits that in such situation also the contempt survives as the demolition has not taken place, despite finding being arrived at the Sub-Section 3 stage that encroachment is there on PWD land.

After considering the submissions made on behalf of the parties and on perusal of the materials on record, it appears to this Court that, since the reasoned order dated **January 28, 2026** has been passed by the alleged contemnor no. 1 in exercise of its power under **Sub-Section 3 to Section 10 of 1964 Act**, the direction of this Court has been complied with. The fate of the said reasoned order now depends on the result of the appeal preferred therefrom under **Sub-Section 4 to Section 10 of 1964 Act**. This situation cannot be looked into by this Court, in exercise of its contempt jurisdiction.

Further submission of Mr. Pritam Chowdhury, learned advocate is that **Sub-Section 3 to Section 10 of 1964 Act** has two parts the first part is to pass the order and the second part, if encroachment is there, to demolish, that is, execution of the order.

Since appeal is pending the question of execution at this stage does not arise.

However, the appellate authority shall decide and come to its logical conclusion on the pending appeal expeditiously.

In view of the above, there is no contempt on the part of the alleged contemnors.

However, it is made clear that this Court has not expressed any opinion on the merits and correctness of the reasoned order dated **January 28, 2026**.

Accordingly, this contempt proceeding **CPAN 1403 of 2025** stands **dropped** and **closed**.

The application **CPAN 1403 of 2025** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)