

AD -1
Ct No.16
27.03.2026
(SSS)

CPAN 1816 of 2025
in
WPA 12278 of 2024

Anser Nayek and Anr.
Vs.
Mr. Kartik Chandra Das,
Executive Engineer, Tamruk Highway Division and Anr.

Mr. Mridul Kanti Sasmal, Adv.
.....For the petitioners.

Mr. Soumitra Bandyopadhyay, Snr. Govt. Adv.,
Mr. Srinath Singha Roy, Adv.

...For the alleged contemnors.

1. An affidavit of compliance is filed today on behalf of the alleged contemnors and is kept on record. A copy thereof has been served on the learned advocate for the petitioners.

2. Learned counsel for the petitioners submits that although there was a previous demarcation of the land and a report had been submitted, a fresh exercise of demarcation was undertaken, for which no plausible reason can be found.

3. Be that as it may, upon hearing learned counsel for the parties, it transpires that a demarcation has been made and a report has already been filed

by the concerned B.L. & L.R.O. It is also seen from the annexures to the affidavit of compliance that the hearing in connection with the proceeding initiated for removal of encroachment in terms of the parent order of this Court is proceeding duly.

4. In the order dated May 7, 2024 passed in WPA 12278 of 2024, this Court had disposed of the writ petition and directed the Executive Engineer, Tamluk Highway Division, PWD (Roads) to enquire into the issue as to whether there had been any unlawful encroachment by the private respondent on PWD land in terms of the representation given by the writ petitioners as well as for the Executive Engineer to call for a report from the respondent no. 4 in that regard, if necessary.

5. It was further directed in the said order that in the event it is found *prima facie* that there is an encroachment, due proceeding shall be taken out under the governing statute by the respondent no.2 (the Executive Engineer). In the event it was found from the report that there was no such encroachment, it was observed in the order that no further steps need be taken by the respondent authorities.

6. As apprised by the alleged contemnors, it has been *prima facie* found that there is encroachment

and proceedings have duly been initiated, which are satisfactorily proceeding at the present moment, as is evident from the annexures to the affidavit of compliance.

7. Hence, since no court-monitored proceeding was contemplated in the original order, the court finds that sufficient compliance has been done in respect of the order in question by initiating proceedings and continuing with the same duly.

8. It is expected that upon reaching the conclusion of the said proceeding, appropriate steps shall be taken by the alleged contemnors pursuant to the outcome of the same. It is also expected that the said proceeding shall be concluded as expeditiously as possible.

9. With the above observations, CPAN 1816 of 2025 is disposed of as infructuous. There will be no order as to costs.

10. Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)