

**HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE**

**Present:
THE HON'BLE JUSTICE JAY SENGUPTA**

**CPAN 2074 OF 2024
In**

WPA 24215 of 2023

Shukdeb Manna

VS

Dr. Koteswara Rao, IPS, The Superintendent
of Police, Sundarban Police District & Ors.

For the petitioner/applicant : Mr. Somnath Ghoshal
Mr. Satyajit Senapati
Mr. Rahul Nag

For the Alleged Contemnors : Mr. Swapan Dutta
Mr. Sudipta Panda
Mr. Tirthankar Dey

Lastly heard on : 11.02.2026

Judgment on : 11.02.2026

JAY SENGUPTA, J:

Learned counsel appearing on behalf of the petitioner submits as follows. By an order dated 02.01.2024 passed in WPA 24215 of 2023 this Court observed that it was trite law that the rights of a bargadar needed to be protected. However, the owner of the land was also entitled to a share in the produce as per law. Although this Court recorded that no further order was required to be passed in this regard, it nevertheless directed the police

authorities to keep a sharp vigil at the locale so that no breach of peace took place and to see that no order of a Court was violated. Despite this, the alleged contemnors did not comply with the order and did not take steps to ensure that the petitioner would cultivate the land as bargadar. Complaints were made. Even a petition was filed before the learned Magistrate. The proceeding was dropped by granting liberty to the alleged respondents to appear before the higher Court.

Learned counsel appearing on behalf of the alleged contemnors submits as follows. The order passed by this Court has been fully complied with. The order to keep strict vigil was to ensure that no breach of peace took place and was not for any other purpose. The same has been duly complied with. In a span of 20 months the police had visited the place in question at least 24 times. GD entries have duly recorded in this regard. A *suo motu* FIR was lodged and some of the miscreants were arrested by registering an FIR being Sagar P.S. Case No. 188 dated 18.08.2025. The other side had also filed a writ petition and obtained an injunction order from a civil Court. However, this Court had never asked the police authority to determine the rights of the persons. It was only asked to keep a vigil so that no breach of peace took place. Moreover, there is a harvest left in the field, which is not being taken by the present petitioner.

It appears from the affidavits and the data provided in the report by the police authority that the order passed has been substantially complied with.

Therefore, no further order need be passed in this regard.

If a new cause of action arises, it is obvious that the petitioner would have a right to take up the issues before the appropriate forum.

With these observations the application for contempt is disposed of without any further order, even as to costs.

The notice stands dispensed with.

Urgent photostat certified copies of this judgment may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J)