

27-01-2025
Item No.11 &12
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.3305 of 2024
Trishna Mondal

-vs-

The State of West Bengal & Ors.

with

CPAN No.684 of 2024
Chayan Chakraborty

-vs-

Tanjila Tarafdar

in

WPA No.16635 of 2023

Mr. Joy Chakraborty

Mr. Sandip Dinda

Mr. Ranjit Malakar

...for the petitioner
(in WPA 3305/2024) &

...for the private respondent
(in WPA 16635/2023)

Mr. Suddhadev Adak

...for the State

Mr. Nilanjan Bharttcharjee

Mr. Arpan Guha

Mr. Indranil Roy

...for respondent no.10
(for the petitioner in CPAN)

Mr. Sanjay Karan

...for the contemnor

1. Report has been filed by the police wherefrom it appears that the police allegedly acted in terms of the order dated April 19, 2023 passed by the learned Civil Judge (Jr. Division), 5th Court, Howrah in T.S. No.565 of 2023 whereby the defendant in the suit, Trishna Mondal, was restrained from raising any illegal construction over the 'B' schedule property by encroaching upon any portion of 'A' schedule property.

2. It appears that the order of injunction dated April 19, 2023 stood vacated and that the injunction petition was rejected on contest by the learned Court vide order dated November 24, 2023.
3. As on date, there is no order from any competent Court restraining Trishna from proceeding with the construction work.
4. In view of the above, it was absolutely improper and illegal on the part of the police to restrain Trishna from carrying on construction work which Trishna claims to be made in terms of the sanction granted by the Panchayat Samiti.

CPAN No.684 of 2024

5. Learned counsel representing the Pradhan, Andal Gram Panchayat, the contemnor in the CPAN, submits, upon instructions, that the spot inquiry and hearing has already taken place and that the final order will be passed by the Pradhan shortly. Prayer has been made to adjourn the contempt application for a fortnight only.
6. In view of such submission, list the contempt application and the writ petition being WPA No.3305 of 2024 on February 13, 2025.
7. Affidavit of compliance shall be filed by the Pradhan on the returnable date with advance copy to the learned advocates representing the respective parties.
8. Affidavit of service is taken on record.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

[Amrita Sinha, J]

