

03 25.02.2025  
NB Ct. 17

**CPAN 1481 of 2024**

*In*

WPA 6581 of 2024

Dippaman Samanta

Vs.

Shyamal Maity & Ors.

Mr. Kaushik Gupta,  
Mr. Amarta Ghose,  
Mr. Maloy Kr. Seal,  
Mr. Sauryadeep Ghosh.  
...for the petitioner.

Mr. Mujifar Ali Naskar,  
Mr. Imtiaz Ahmed.  
...for the alleged contemnors.

Supplementary affidavit, as filed in Court, is taken on record.

Learned senior counsel representing the petitioner submits as follows. On 22<sup>nd</sup> March, 2024, this Court had disposed of a writ petition filed by the petitioner being *WPA 6581 of 2024*. There it was, inter alia, recorded that as it appeared that the respondent club and its members had been possessing a portion of the property with the permission/verbal consent of the petitioner for carrying out activities like holding puja, necessary permissions need to be taken from the petitioner as had been held by a Coordinate Bench of this Court earlier. As a necessary corollary, it would follow that for all such activities to be undertaken by the club and its members in the said premises, permission of the owner had to be taken. If any of the parties wanted to establish any other or further right in respect of the property, the same was to be done before the Civil Court. This order was affirmed in an appeal on 23<sup>rd</sup>

September, 2024 in *MAT 1801 of 2024*. In spite of these, the alleged contemnors far from taking consent for immersing puja idol in the pond contained at the premises, forcibly conducted such immersion. This is a blatant and deliberate violation of this Court's order. There are also fresh causes of action, which have arisen for which appropriate steps would be taken.

Learned counsel appearing on behalf of the alleged contemnors denies the allegations and submits that earlier there was an attempt by the petitioners to fill up the pond. Due permission was given for holding the Durga Puja at the said premises. His clients want to use an affidavit. Also, there are proceedings pending before the Civil Court.

Let a copy of the application for contempt along with the supplementary affidavit be supplied to the learned counsel for the alleged contemnors and be served upon the alleged contemnors by speed post with acknowledgment due within a week. An affidavit of service to that effect shall be filed on the next date.

Opposition, if any, be filed within four weeks from this date.

Reply, if any, be filed within two weeks therefrom.

List this matter for hearing under the heading 'Application' after six weeks.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

**(Jay Sengupta, J.)**