

S/L 07
28.04.2026
Court No.4
(S.R.)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

**CPAN 102 of 2025
in
WAP 1394 of 2025**

**Dibakar Sarkar
v.
Sri Arindam Biswas**

*Mr. Subinay Dey
Mr. Debanjan Das
Ms. Sukanya Bhowmik
Ms. Supriya Roy
Mr. Samrat Acharya* ... For the Petitioner.

Mr. Momenur Rahaman ... For the Contemnor.

In re: CPAN 102 of 2025

1. This is an application alleging contempt of an order dated July 7, 2025 passed by this Court in WPA 1394 of 2025.
2. By the order dated July 7, 2025, this Court had directed as follows: -

“Having heard the learned Advocates appearing for the respective parties and having considered the material on record, this Court finds it proper to direct the respondent no. 6 i.e. the Special Land Acquisition Collector, Cooch Behar, to revisit the compensation paid to the petitioner and to find out whether the petitioner is entitled to compensation upon calculating the same by multiplying the market value of the petitioner’s land by a factor of 2 instead of 1.1 as alleged by the petitioner.

It is made clear that it will be open to the respondent no. 6 to verify as to whether the land of the petitioner which has been stated to be acquired, deserves

compensation to be paid upon 3 application of a factor of 2 as alleged and as to whether the petitioner's land is covered under the Gazette notification dated February 9, 2016 being "Annexure- P6" to the writ petition.

The respondent no. 6 shall also verify as to whether the petitioner's land has, in fact, been acquired or not.

In case it is found that the petitioner's case is similar to those of the writ petitioners in WPA No. 1359 of 2021 and WPA No. 300 of 2025 and the petitioner is entitled to such compensation arrived at by multiplying the market value of the petitioner's land by a factor of 2, the respondent no. 6 shall immediately take steps, to make such recalculation and disburse the compensation payable upon recalculation. Needless to mention that while disbursing compensation upon recalculation, as aforesaid, the amount of compensation already paid shall be duly factored in and the balance compensation payable because of the application of the factor of 2 would only be paid. The entire exercise as aforesaid shall be completed by the respondent no. 6 within a period of two months from the date of communication of this order.

It is clarified that the respondent no. 6 shall be free to arrive at his own decision as to whether 4 or not the petitioner is entitled to re-computation of compensation by applying the multiplier/factor of 2 and this order shall not be treated as a mandate to apply such factor, if the petitioner is found not entitled to the same."

3. Learned advocate for the alleged contemnor hands up to Court a copy of an order dated April 24, 2026 being Memo No.LA 164(2) passed by the Special Land Acquisition Officer, Cooch Behar and submits

that this Court's order dated July 7, 2025 has been complied with.

4. The Special Land Acquisition Officer, Cooch Behar has by the order dated April 24, 2026 held that the claim of the petitioner is not sustainable and has therefore rejected the petitioner's claim.
5. Learned advocate appearing for the petitioner submits that the alleged contemnor has acted contumaciously in passing the order impugned inasmuch as the reasons given by the alleged contemnor in declining relief to the petitioner are wholly erroneous. It is further submitted that the alleged contemnor has not found out as to whether the writ petitioner's case is similar to those of the writ petitioners in WPA 1359 of 2021 and WPA 300 of 2025 as indicated in the order dated July 7, 2025.
6. Having heard the learned advocates appearing for the respective parties and having considered the material on record, this Court is of the view that the order dated April 24, 2026 cannot be said to be contemptuous.
7. By the order dated July 7, 2024, the Court had directed the Special Land Acquisition Collector, Cooch Behar to revisit the compensation paid to the petitioner and to find out as to whether the petitioner was entitled to compensation upon calculating the same by multiplying the market value of the petitioner's land by a factor of 2 instead of 1.1 as alleged by the petitioner. The direction to

pay compensation to the petitioner by multiplying the market value of the petitioner's land by a factor of 2, and to recalculate and disburse compensation to the petitioner upon such recalculation in case the petitioner's case was found similar to those of the writ petitioners in WPA 1359 of 2021 and WPA 300 of 2025 was passed in the light of the earlier observations i.e. only when the petitioner's case was one which entitled the petitioner to compensation by multiplying the market value of the land with the factor of 2.

8. The Special Land Acquisition Officer, Cooch Behar has by the order dated April 24, 2025 arrived at a conclusion that the petitioner's case is such that it cannot be awarded compensation by applying the multiplier of 2 instead of 1.1. As to whether the reason cited by the Special Land Acquisition Officer, Cooch Behar is correct or not, is not for this Court to decide in contempt jurisdiction. The contours of contempt jurisdiction are extremely narrow as such jurisdiction is exercised only to ensure administration of justice and maintain the dignity of Court rather than to serve as a substitute for available legal remedies. This Court would not be entitled to interfere with the merits of an order in contempt jurisdiction on the ground that in such order is erroneous.
9. Since an order has admittedly been passed and the same is a reasoned one, therefore, it will be open for

the petitioner to challenge the same by way of appropriate proceedings, in accordance with law and non-interference with the same in this application for contempt would not preclude the petitioner from availing such remedy.

10. CPAN 102 of 2025 stands disposed of with the aforesaid observations. No costs.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)