

**CPAN 469 of 2020  
With  
CAN 1 of 2020  
In  
MAT 67 of 2017**

**Pradip Kumar Das  
Vs.  
Partha Ghose & Anr.  
(Through Video Conference)**

Mr. Dilip Kumar Sinha

... .. for the petitioner

Mr. Jahar Lal De

Mr. Shamim-ul-Bari

... .. for the State

This contempt petition has been filed alleging non-compliance of the order dated 17.01.2020 passed in MAT 67 of 2017 whereby this Court had observed and directed as under :

“ The State says that in the light of the findings in the said order of May 23, 2016, the market complex has to be razed. By the order impugned, the Single Bench was satisfied that the panchayat samity had set up unauthorised construction and the order making its removal was found to be neither illegal nor vitiated in any manner. At the end of the day, a public highway cannot be encroached by any individual or even a statutory body without due sanction of law.

The order impugned dated August 22, 2016 does not call for any interference. The State should ensure that the offending constructions on any public highway in the area are razed. The District Magistrate, Purba Medinipur, should file an affidavit of compliance with the Registrar-General within three months of the receipt of a copy of this order. The Registrar-General should immediately forward a copy of this order to the relevant District Magistrate.”

Learned counsel for the petitioner has pointed out that the above order was subject matter of challenge

before the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No. 11389 of 2020 and the Hon'ble Supreme Court by order dated 18.08.2020 had refused to interfere in the impugned order and dismissed the Special Leave Petition.

Learned counsel for the petitioner has pointed out that there was a clear direction to the respondent District Magistrate, Purba Medinipur to file an affidavit of compliance with the Registrar General within three months of receipt of a copy of this order. He has pointed out that a copy of the order was duly delivered to the District Magistrate, Purba Medinipur on 03.02.2020 and thereafter again on 16.09.2020 but till now neither affidavit of compliance has been filed before the Registrar General of this Court nor the requisite action as stated by the counsel for the State before this Court has been taken.

In this view of the matter, we are prima facie of the opinion that the order of this Court has not been complied with.

Hence, we direct the respondent District Magistrate, Purba Medinipur to place his stand on record on or before the next date of hearing.

List on 27<sup>th</sup> January, 2022.

**(Prakash Shrivastava, C.J.)**

**(Rajarshi Bharadwaj, J.)**