

**HIGH COURT OF TRIPURA  
AGARTALA**

**Cont.Cas(C) No.64 of 2025**

**M/S Biswas & Sons,**

A partnership firm,  
Represented by its partners, namely:  
Sri Arghajit Biswas, and Sri Subhajit Biswas,  
Both are sons of Late Amiyangsu Kumar Biswas,  
Carrying on business at Old Motorstand,  
P.S.: East Agartala, P.O.:Agartala,  
Sub-Division: Sadar, District: West Tripura.

----- Petitioner(s)

Versus

**Dr. Vishal Kumar, IAS,**

The District Magistrate and Collector, West Tripura,  
Agartala, P.O.: Agartala, West Tripura.

-----Respondent-Contemnor(s)

---

|                   |   |                                                       |
|-------------------|---|-------------------------------------------------------|
| For Petitioner(s) | : | Mr. Somik Deb, Sr. Adv.<br>Mr. Dhrubajyoti Saha, Adv. |
|-------------------|---|-------------------------------------------------------|

|                   |   |                                                                                                             |
|-------------------|---|-------------------------------------------------------------------------------------------------------------|
| For Respondent(s) | : | Mr. Saktimoy Chakraborty, Adv. General<br>Mr. Kohinoor N. Bhattacharyya, GA<br>Mrs. Pinki Chakraborty, Adv. |
|-------------------|---|-------------------------------------------------------------------------------------------------------------|

---

**HON'BLE MR. JUSTICE BISWAJIT PALIT**

**Order**

**12/11/2025**

Heard Learned Senior Counsel, Mr. Somik Deb assisted by  
Learned Counsel, Mr. Dhrubajyoti Saha appearing on behalf of the  
petitioner. Also heard Learned Advocate General, Mr. Saktimoy  
Chakraborty assisted by Learned Counsel, Mrs. Pinky Chakraborty along  
with Learned GA, Mr. Kohinoor N. Bhattacharyya appearing on behalf of  
the respondent-contemnor.

The petitioner has filed the present contempt petition under  
Section 12 read with Section 2(b) of the Contempt of Courts Act, 1971  
invoking the powers of this Court under Article 215 of the Constitution  
of India seeking initiation of contempt proceedings against the  
respondent-contemnor, District Magistrate & Collector, West Tripura,  
Agartala for alleged wilful disobedience of the order dated 07.10.2025

passed by this court in IA No. 1 of 2025 arising out of WP(C) No.598 of 2025.

At the time of hearing, Learned Senior Counsel, Mr. Somik Deb appearing on behalf of the petitioner, first of all drawn the attention of this court that by order dated 07.10.2025 this Court has stayed the "cancellation of No Objection Certificate" dated 26.09.2025 issued by respondent-contemnor till disposal of the connected writ petition. The said order was brought to the knowledge of the respondent-contemnor by communication dated 09.10.2025 (*Annexure-21*). But, the respondent-contemnor knowing fully well the order dated 07.10.2025 passed by this court, again initiated fresh proceeding under Section 34 of the Disaster Management Act, 2005 and vide order dated 24.10.2025 (*Annexure-36*) directed the closure of the petrol pump belonging to the petitioner, which compelled the petitioner to file the present contempt petition before this court.

In support of his contention, Learned Senior Counsel for the petitioner drawn the attention of this court to last paragraph of the order dated 07.10.2025 passed by this court in IA No.1 of 2025 arising out of WP(C) No.598 of 2025 and submitted that by the said order this court specifically mentioned that "*any action on "cancellation of No Objection Certificate" dated 26.09.2025 issued by the respondent No.3 be stayed till disposal of the writ petition*". Learned Senior Counsel further submitted that the "cancellation of No Objection Certificate" order dated 26.09.2025 was passed based upon the report of SDM, Sadar dated 23.09.2025 and the report of Divisional Fire Officer, West Division, Agartala dated 18.09.2025. So, according to the Learned Senior Counsel, despite having full knowledge of the said order dated 07.10.2025, there was no scope on the part of the respondent-contemnor to pass the subsequent order dated 24.10.2025 under

Section 34 of the Disaster Management Act, 2005 (*Annexure-36*). Thus, it is clear that the respondent-contemnor has wilfully disobeyed the order of this court dated 07.10.2025 passed in IA No.1 of 2025 in WP(C) No.598 of 2025.

In support of his contention, Learned Senior Counsel further drawn the attention of this court referring Sections 25, 26, 30 and 34 of the Disaster Management Act, 2005 and submitted that in view of the aforesaid provisions under Disaster Management Act 2005, the respondent-contemnor had no authority to pass such an order. It was further submitted that the order dated 24.10.2025 (*Annexure-36*) passed by the respondent-contemnor is defective one and without jurisdiction, as the ingredients mentioned in Section 34 of the Disaster Management Act, 2005 do not empower the District Magistrate & Collector to exercise such jurisdiction, particularly during the pendency of the connected writ petition.

Furthermore, Learned Senior Counsel submitted that without the concurrence of other members of the District Authority, as contemplated under Section 25 of the Disaster Management Act, 2005, the respondent-contemnor had no authority to issue such an order. Learned Senior Counsel also drawn the attention of this court referring the relevant provisions of Petroleum Rules, 2002 and submitted that an order of this nature could only have been passed by the Chief Controller or the Controller of Explosives, and not by the present respondent-contemnor. As such, the respondent-contemnor acted beyond the jurisdiction and violated the order of this court for which he is liable to be punished under the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India.

In support of his contention, Learned Senior Counsel relied upon one citation of the Hon'ble Supreme Court of India in **All Bengal**

**Excise Licensees' Association vs. Raghabendra Singh & Ors.,**

reported in **(2007) 11 SCC 374** wherein in para Nos.26 to 31, 33, 38 and 40, Hon'ble the Apex Court observed as under:

"26. This Court can only say it is rather unfortunate that such officers who are not capable of or not able to understand the implication of the prohibitory orders passed by the High Court should be allowed to hold such high offices. During the course of the hearing of the contempt application, the matter was adjourned by the High Court to enable the respondent to consider whether the contemnors were prepared to cancel the lottery held on 20-3-2005, 21-3-2005 and 22-3-2005 in violation of the Court's orders and on such adjourned date, the contemnors did not agree to cancel the lottery. Under such circumstances, the plea of mistake of understanding the order cannot at all be accepted. Likewise, the High Court was also not justified in not directing the contemnors to cancel the lottery held on 20-3-2005, 21-3-2005 and 22-3-2005 in violation of the solemn orders passed by the very same Judge and in view of the clear finding of the Court that they had acted in clear violation of the said interim order made by the High Court.

27. Even assuming that there was any scope for bona fide misunderstanding on the part of the respondents, once it was found that the respondent had disobeyed the specific order passed earlier by the Court, the High Court should have directed the contemnors to undo the wrong committed by them which was done in clear breach of the order of the Court by restoring the status quo ante by cancelling the lottery wrongfully held by them. The learned Judge found that the respondent contemnors had held the lottery in violation of the Court's order and the results of the said lottery should not be permitted to take effect and should be treated as unlawful and invalid for the purpose of grant of licence. The learned Single Judge for the purpose of upholding the majesty of law and the sanctity of the solemn order of the court of law which cannot be violated by the executive authority either deliberately or unwittingly should have set aside the lottery held and should not have allowed the respondents to gain a wrongful advantage thereby.

28. In our opinion, a party to the litigation cannot be allowed to take an unfair advantage by committing breach of an interim order and escape the consequences thereof. By pleading misunderstanding and thereafter retaining the said advantage gained in breach of the order of the Court and the wrong perpetrated by the respondent contemnors in contumacious disregard of the order of the High Court should not be permitted to hold good. In our opinion, the impugned order passed by the High Court is not sustainable in law and should not be allowed to operate as a precedent and the wrong perpetrated by the respondent contemnors in utter disregard of the order of the High Court should not be permitted to hold good.

29. The High Court has committed a grievous error of law in holding that failure to understand the implication and consequences of the order passed by the High Court by highly placed government officers cannot be construed as an act of contempt. The High Court has failed to understand that the highly educated and highly placed government officials have competent legal advisors and it was not open to them to allege and contend that the

respondent contemnors did not understand the implication of the order dated 4-1-2005. In our opinion, such officers are required to be dealt with effectively to uphold the dignity of the High Court and the efficiency of the system itself.

30. The High Court committed a grave error of law by not taking into consideration the most important fact that in the course of the hearing of the contempt application the matter was adjourned in order to enable the contemnor to consider whether they were prepared to cancel the lottery held on 20-3-2005, 21-3-2005 and 22-3-2005 and on the adjourned date, the respondents did not agree to cancel the lottery. In such view of the matter, the significant stand being the plea of mistake of understanding cannot, in our opinion, prevail. The High Court in that view of the matter committed a grave miscarriage of justice by not taking into consideration another most important fact that if actually the lottery was held by mistake or by misunderstanding of the orders, then the respondent would have immediately rectified it and would have cancelled the lottery but in the instant case, instead of cancelling the lottery, the respondents have justified their conduct from which the determined declination of obeying the order is clearly proved. In other words, if there was a doubt about the implication of the order of the Court, the respondents should have approached the Court and should have clarified their alleged confusion. But in the instant case, the respondents have not only violated the order but when the contempt application was moved and opportunity was given by the Court to cancel the lottery they refused to cancel the said lottery from which it is proved that they deliberately held the lottery in clear violation of the order dated 4-1-2005 having regard to the admissions made on behalf of the contemnors that there is violation of the order dated 4-1-2005 and also having regard to the learned Single Judge's own finding that *"there is no doubt that the alleged contemnor disobeyed the specific directions passed earlier by this Bench"*.

31. The High Court should have directed the contemnor to cancel the lottery held on these three dates. The High Court also failed to consider the effect of the appellant's learned advocate's letter dated 15-3-2005 whereby it was clearly pointed out about the subsistence of the order dated 4-1-2005 and its subsequent extension. By the said letter, the appellant's advocate categorically pointed out further that in spite of the above if the lottery is held or further action is taken for issue of excise licence, the appellant shall be compelled to take legal action. In our opinion, the judgment and order passed by the High Court is bad in law and is liable to be set aside.

33. In our opinion, Respondents 1-4 had deliberately and with mala fide motive committed contempt of the High Court in conducting the lottery quite contrary to the order of injunction passed by the High Court on 4-1-2005 and its subsequent extensions. When the auction was held, the order passed by the High Court remain operative at the relevant time. The High Court has miserably failed in not issuing direction to the contemnors to cancel the lottery held on 20-3-2005, 21-3-2005 and 22-3-2005 in violation of the solemn order passed by the High Court.

38. In the instant case, the respondents have conducted the auction quite contrary to and in violation of an injunction order passed by the High Court. Courts have held in a catena of decisions that where in violation of a restraint order or an injunction order against a party, something has been done in disobedience, it will be the

duty of the court as a policy to set the wrong right and not allow the perpetuation of the wrong doing. In our opinion, the inherent power will not only be available under Section 151 CPC, as available to us in such a case, but it is bound to be exercised in that manner in the interest of justice and public interest.

40. We, therefore, cancel all the auctions held on 20-3-2005, 21-3-2005 and 22-3-2005 and direct Respondents 1-4 not to allow the successful bidders to continue the business and shall stop them forthwith and submit a report to this Court of strict compliance. We make it clear that we are not expressing any opinion on the merits of the claim made by the appellant Association in the writ petition filed by them before the High Court which is pending."

Referring the same, Learned Senior Counsel submitted that the present matter is squarely covered by the aforesaid observation of the Hon'ble Apex Court and urged for punishing the respondent-contemnor by setting aside the impugned order dated 24.10.2025 (*Annexure-36*). Learned Senior Counsel further referred another citation of the Hon'ble Apex Court in **All India Regional Rural Bank Officers Federation & Ors.**, reported in **(2002) 3 SCC 554** wherein in para No.4, Hon'ble the Apex Court observed as under:

"4. Mr Mukul Rohatgi, the learned Additional Solicitor-General, however tried to impress upon us the circumstances under which the notification had been issued, the same being severe financial crisis and the learned Additional Solicitor-General further urged that the monetary benefits of the employees of the Banks will have to be so modulated so that the Banks should not ultimately be closed down by merely paying the salary of the employees. Even though the financial position of the Banks may not be disputed, but having regard to the directions issued by this Court, while disposing of the civil appeal and having regard to the circumstances under which such directions had been given, it would be difficult for us to sustain the plea of the Union Government that the notification is in compliance with the judgment and directions of this Court. The financial capacity of the Government cannot be pleaded as a ground for non-implementation of the directions of the Court inasmuch as even in the matter of determination of the pay scale of the employees of the Regional Rural Banks and maintenance of parity with their counterparts, serving under the sponsorer commercial banks, Justice Obul Reddi had not accepted the said plea and that award reached its finality. Since the financial capacity of the employer cannot be held to be a germane consideration for determination of the wage structure of the employees and Parliament enacted the Act for bringing into existence these Regional Rural Banks with the idea of helping the rural mass of the country, the employees of such rural banks cannot suffer on account of financial incapacity of the employer. We have no hesitation in coming to the conclusion that the issuance of notification dated 1-4-2001, by the Government of India cannot be held to be in compliance

with the judgment and directions of this Court in **S.M.G. Bank [(2001) 4 SCC 101 : 2001 SCC (L&S) 669]** . But at the same time, we are of the opinion that the appropriate authority need not be punished under the provisions of the Contempt of Courts Act, even if the notification is in direct contravention of the judgment of this Court, as we do not find a case of deliberate violation. While, therefore, we do not propose to take any action against the alleged contemnors, we direct that the employees of the Regional Rural Banks should be paid their current salaries on the basis of determination made under the notification dated 11-4-2001, the new basic pay having been arrived at, as on 1-4-2000 forthwith. Paragraph (i) of the aforesaid notification dated 11-4-2001 should be immediately implemented and the employees should be paid accordingly. Paragraphs (ii) and (iii) of the notification are quashed and the Central Government is directed to issue a fresh notification for proper implementation of the judgment of this Court. We make it clear that the period of moratorium with regard to the payment of arrears, since is going to be over on 31-3-2002, the arrear salary accruing to the employees be paid to them in three equal annual instalments, the first being on 30-4-2002, the second on 30-4-2003 and the third on 30-4-2004. This payment has to be made as aforesaid without being in any way dependent upon any other considerations and there cannot be any distinction between the Regional Rural Banks incurring loss and the Regional Rural Banks, making profit. Further, the question of anticipated cash outflow on account of increase in salary if exceeds 50% of the operating profit, then the current payment would be restricted only up to 50%, is absolutely of no relevance, which was indicated in the impugned notification dated 11-4-2001. Having regard to the financial condition of the Government as well as these Banks, the instalment to be paid on 30-4-2002, pursuant to this order of ours, the same may be deposited in the employees' provident fund account. But all other instalments will have to be paid in cash."

Referring the same, Learned Senior Counsel submitted that the present case is also guided by the same principle of law laid down by the Hon'ble Supreme Court of India in the afore-noted case.

Further, reference was made to another judgment passed by the Hon'ble Supreme Court of India in **State of Orissa & Anr. vs. Aswini Kumar Baliar Singh** reported in **(2006) 6 SCC 759**, wherein in para Nos.6 to 8, Hon'ble the Apex Court observed as under:

"6. Thus, no direction was issued by the High Court against the State of Orissa. It is not in dispute that the cause of action for filing the contempt petition arose as the Inspector of Schools passed an order consequent upon the government orders issued by the Government of Orissa on or about 24-4-2000. The Inspector of Schools was bound to give effect to the said orders. The said government orders may be legal or illegal; but by no stretch of imagination can it be said that the Inspector of Schools committed contempt of court in complying with the directions of the State of Orissa. For the purpose of setting aside the order of the Inspector of Schools, the

government orders were required to be set aside. The said government orders having been issued subsequent to the order of the High Court, no direction indisputably had been or could be issued in that behalf in the writ petition. A contempt petition, in our opinion, thus, was not maintainable.

7. Furthermore, as noticed hereinbefore, the respondent had already initiated a proceeding before the State Administrative Tribunal questioning the legality of the said action on the part of the State of Orissa. The High Court in relation thereto did not have the jurisdiction, as an appropriate proceeding was required to be initiated before the Tribunal at the first instance in view of the judgment of this Court in *L. Chandra Kumar v. Union of India* [(1997) 3 SCC 261 : 1997 SCC (L&S) 577 : AIR 1997 SC 1125] . The contemnors, in any event, have not been impleaded as parties in their personal capacity. In the contempt petition only the Director of Secondary Education and the Inspector of Schools were impleaded as parties in their official capacity. Even the State of Orissa was not impleaded as a party respondent therein.

8. The learned counsel, however, may be correct in contending that while exercising its contempt jurisdiction, the High Court may, in a given case, issue appropriate direction, although no penal action is taken against the contemnors. But, even in respect thereof, a finding would be required to be arrived at to the effect that the contemnors have disobeyed the order of the Court. Only when such a finding is arrived at, the Court may in exercise of its inherent jurisdiction put the parties to the same position as if its order was not violated."

Referring the same, Learned Senior Counsel has drawn the attention of this court that even in contempt proceeding, the Court may pass appropriate direction without taking any penal action against the contemnor.

Learned Senior Counsel thereafter referred another citation of the Hon'ble Apex Court in **Delhi Development Authority vs. Skipper Construction Co. (P) Ltd. & Anr.**, reported in **(1996) 4 SCC 622**, wherein in para Nos.17 to 23, Hon'ble the Apex Court observed as under:

"The contemner should not be allowed to enjoy or retain the fruits of his contempt

17. The principle that a contemner ought not to be permitted to enjoy and/or keep the fruits of his contempt is well settled. In *Mohd. Idris v. Rustam Jehangir Babuji* [(1984) 4 SCC 216 : 1984 SCC (Cri) 587 : (1985) 1 SCR 598] this Court held clearly that undergoing the punishment for contempt does not mean that the court is not entitled to give appropriate directions for remedying and rectifying the things done in violation of its orders. The petitioners therein had given an undertaking to the Bombay High Court. They acted in breach of it. A learned Single Judge held them guilty of contempt and imposed a

sentence of one month's imprisonment. In addition thereto, the learned Single Judge made appropriate directions to remedy the breach of undertaking. It was contended before this Court that the learned Judge was not justified in giving the aforesaid directions in addition to punishing the petitioners for contempt of court. The argument was rejected holding that "the Single Judge was quite right in giving appropriate directions to close the breach (of undertaking)".

18. The above principle has been applied even in the case of violation of orders of injunction issued by civil courts. In *Clarke v. Chadburn* [(1985) 1 All ER 211] Sir Robert Megarry V-C observed:

"I need not cite authority for the proposition that it is of high importance that orders of the court should be obeyed. Wilful disobedience to an order of the court is punishable as a contempt of court, and I feel no doubt that such disobedience may properly be described as being illegal. If by such disobedience the persons enjoined claim that they have validly effected some change in the rights and liabilities of others, I cannot see why it should be said that although they are liable to penalties for contempt of court for doing what they did, nevertheless those acts were validly done. Of course, if an act is done, it is not undone merely by pointing out that it was done in breach of the law. If a meeting is held in breach of an injunction, it cannot be said that the meeting has not been held. But the legal consequences of what has been done in breach of the law may plainly be very much affected by the illegality. It seems to me on principle that those who defy a prohibition ought not to be able to claim that the fruits of their defiance are good, and not tainted by the illegality that produced them."

19. To the same effect are the decisions of the Madras and Calcutta High Courts in *Century Flour Mills Ltd. v. S. Suppiah* [AIR 1975 Mad 270 : (1975) 2 MLJ 54] and *Sujit Pal v. Prabir Kumar Sun* [AIR 1986 Cal 220 : (1986) 90 CWN 342]. In *Century Flour Mills Ltd.* [AIR 1975 Mad 270 : (1975) 2 MLJ 54] it was held by a Full Bench of the Madras High Court that where an act is done in violation of an order of stay or injunction, it is the duty of the court, as a policy, to set the wrong right and not allow the perpetuation of the wrongdoing. The inherent power of the court, it was held, is not only available in such a case, but it is bound to exercise it to undo the wrong in the interest of justice. That was a case where a meeting was held contrary to an order of injunction. The Court refused to recognise that the holding of the meeting is a legal one. It put back the parties in the same position as they stood immediately prior to the service of the interim order.

20. In *Sujit Pal* [AIR 1986 Cal 220 : (1986) 90 CWN 342] a Division Bench of the Calcutta High Court has taken the same view. There, the defendant forcibly dispossessed the plaintiff in violation of the order of injunction and took possession of the property. The Court directed the restoration of possession to the plaintiff with the aid of police. The Court observed that no technicality can prevent the court from doing justice in exercise of its inherent powers. It held that the object of Rule 2-A of Order 39 will be fulfilled only where such mandatory direction is given for restoration of possession to the aggrieved party. This was necessary, it observed, to prevent the abuse of process of law.

21. There is no doubt that this salutary rule has to be applied and given effect to by this Court, if necessary, by overruling any procedural or other technical objections. Article 129 is a constitutional power and when exercised in tandem with Article 142, all such objections should give way. The court must ensure full justice between the parties before it.

**Claims of Prabhjot Singh and Prabhjit Singh (sons of Tejwant Singh)**

22. Prabhjot Singh Sabharwal, third respondent, stated in his counter-affidavit filed in Interlocutory Application No. 29 of 1996 that he is in no way concerned with the several companies pointed out by the DDA (as belonging to Tejwant Singh and members of his family) and that he is interested only in one company, Technological Park Private Limited, NOIDA. He stated that he and his wife are the directors of this company and that it does not deal in any manner with the Delhi Development Authority. He stated that his parents are in no way concerned with Technological Park Private Limited. He stated "I have separated from my father and I have no dealings with the Delhi Development Authority". It is significant to notice that this respondent does not say when was he separated from his father, whether the said 'separation' is evidenced by writing, nor has he stated that the said separation – or partition, as it may be called – was reported to the Income Tax authorities and was accepted and recorded by them. The affidavit is quite vague in this respect.

23. Prabhjit Singh, fourth respondent, (another son of Tejwant Singh) has filed a separate counter-affidavit stating that he and his wife are the directors in two companies, Tej Properties Private Limited and Skipper Properties Private Limited. Tej Properties is said to be an investment company which is not carrying on any activity at present. Skipper Properties is said to be running in a loss. He stated that he has no connection with the other companies pointed out by the DDA. He admitted the transaction relating to the property at No. 3, Aurangzeb Road, New Delhi but submitted that he is in no way connected with the affairs of his father or with Skipper Construction Private Limited. It is significant to notice that this respondent does not say that he is separated or divided from his father nor does he explain how he and his wife became directors of Tej Properties of which his parents were the sole directors at the time of grant of the aforementioned lease."

Citing the above references, Learned Senior Counsel submitted that since the respondent-contemnor has wilfully disobeyed the order of this court, so, appropriate order be passed by this court setting aside the order dated 24.10.2025 (*Annexure-36*) which is under challenge.

Lastly, Learned Senior Counsel, referred the citation of Hon'ble Supreme Court of India in **Ramchandra Keshav Adke (Dead) by Lrs. & Ors. vs. Govind Joti Chavare & Ors.**, reported in **AIR**

**1975 SC 915**, wherein in para Nos.24 and 25, Hon'ble the Apex Court observed as under:

**"24. Next point to be considered is, what is the consequence of non-compliance with this mandatory procedure?**

**25. A century ago, in Taylor v. Taylor [(1876) 1 Ch D 426] Jassel, M.R. adopted the rule that where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all and that other methods of performance are necessarily forbidden. This rule has stood the test of time. It was applied by the Privy Council, in Nazir Ahmed v. Emperor [AIR 1936 PC 253 : LR 63 IA 372] and later by this Court in several cases [Shiv Bahadur Singh v. State of U.P., AIR 1954 SC 322 : AIR 1954 SC 1098 : 1954 SCR 1098 : 1954 Cri LJ 910; Deep Chand v. State of Rajasthan, AIR 1961 SC 1527 : (1962) 1 SCR 662 : (1961) 2 Cri LJ 705] , to a Magistrate making a record under Sections 164 and 364 of the Code of Criminal Procedure, 1898. This rule squarely applies "where, indeed, the whole aim and object of the legislature would be plainly defeated if the command to do the thing in a particular manner did not imply a prohibition to do it in any other." [Maxwell's Interpretation of Statutes, 11th Edn., pp. 362-63] The rule will be attracted with full force in the present case, because non-verification of the surrender in the requisite manner would frustrate the very purpose of this provision. Intention of the legislature to prohibit the verification of the surrender in a manner other than the one prescribed, is implied in these provisions. Failure to comply with these mandatory provisions, therefore, had vitiated the surrender and rendered it non est for the purpose of Section 5(3)(b)."**

Referring the same, Learned Senior Counsel drawn the attention of this court that the present matter is also covered by the principle of law laid down by Hon'ble Supreme Court of India in the afore-noted case.

Finally, Learned Senior Counsel submitted that the order dated 07.10.2025 passed by this Court in IA No.1 of 2025 in WP(C) No.598 of 2025 has neither been challenged by the respondent-contemnor nor any prayer is made before this court for vacating the said order and the same still stands good. It is further submitted that during the pendency of the connected writ petition, such action on the part of the respondent-contemnor shows that the same was pre-planned with a view to harass the petitioner. According to Learned Senior Counsel, if at this stage the subsequent action of the respondent-contemnor is not stayed, then the very purpose of the writ

petition would be frustrated. Further, as mentioned under Section 2(b) of the Contempt of Courts Act, 1971, the respondent-contemnor be held responsible and punished for wilful disobedience of the said order dated 07.10.2025. Learned Senior Counsel finally urged for setting aside the order dated 24.10.2025 (*Annexure-36*) passed by the said respondent-contemnor as the same is in total violation and disregard of the order dated 07.10.2025 passed by this Court in IA No.1 of 2025 in WP(C) No.598 of 2025.

On the other hand, Learned Advocate General, Mr. S.M. Chakraborty appearing on behalf of the respondent-contemnor, first of all, drawn the attention of this Court that, admittedly, the respondent-contemnor neither challenged the order dated 07.10.2025 passed by this Court nor he disobeyed the said order. Learned Advocate General vehemently opposed the submission made by Learned Senior Counsel, Mr. Somik Deb appearing on behalf of the petitioner and submitted that the present contempt proceeding is not maintainable because the facts alleged in this petition constitutes a new cause of action, and for that this Court has got no authority to pass any mandamus in view of Section 12 of the Contempt of Courts Act, 1971. Further, there is also scope for filing separate writ petition under Article 226 of the Constitution of India or amendment of the writ petition. In support of his contention, Learned Advocate General, Mr. S.M. Chakraborty drawn the attention of this Court to the definition of "civil contempt" as mentioned in Section 2(b) of the Contempt of Courts Act, 1971, which provides as under:

**"2.(b) "civil contempt" means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court."**

Referring the same, Learned Advocate General submitted that there was no "wilful disobedience" of the order of this Court by the

respondent-contemnor by issuing order dated 24.10.2025 (*Annexure-36*), and as such, Learned Advocate General urged for dismissal of this contempt petition.

Learned Advocate General further submitted that the subsequent action of the respondent-contemnor was in no way connected with the earlier matter which is subjudiced before this court and in that matter, this court has already granted stay and the present matter constitute a new cause of action. Learned Advocate General further submitted that for the new cause of action, the petitioner without filing any separate writ petition cannot take the benefit of this Court by invoking the jurisdiction under Section 12 of the Contempt of Courts Act, 1971. According to Learned Advocate General separate proceeding was initiated by the respondent-contemnor for maintaining public safety. Learned Advocate General further submitted that for the sake of personal interest, administration cannot sit idle.

In support of his contention, Learned Advocate General drawn the attention of this court referring one citation of the Hon'ble Supreme Court of India in **A.K. Jayaprakash (Dead) through Lrs. vs. S.S. Mallikarjuna Rao & Anr.**, reported in **2025 SCC OnLine SC 1732** wherein in para No.19, Hon'ble the Apex Court observed as under:

**"19. Insofar as the claim for pension is concerned, it is evident that no such relief was ever sought in the Civil Appeal Nos. 6732-6733 of 2009 or any other earlier proceedings or submissions moved by the Petitioner, nor was there any adjudication to the said effect by the courts below. Contempt jurisdiction is not a forum for asserting new claims or seeking substantive reliefs which were neither raised nor granted earlier. In Jhareswar Prasad Paul v. Tarak Nath Ganguly, (2002) 5 SCC 352, this Court held that contempt proceedings cannot be used to circumvent proper adjudication mechanisms. Accordingly, the prayer for pension cannot be entertained at this stage."**

Referring the same, Learned Advocate General submitted that contempt jurisdiction is not a forum for asserting new claims or

seeking substantive reliefs which were neither raised nor granted earlier and the contempt proceeding cannot be used to circumvent proper adjudication mechanism. So, the present contempt proceeding is not maintainable and liable to be dismissed.

Learned Advocate General further referred another citation of the Hon'ble Supreme Court of India reported in **(2019) 18 SCC 150 [titled as K. Arumugam vs. V. Balakrishnan & Ors.]** wherein in para Nos.18 and 19 Hon'ble the Apex Court observed as under:

**"18. In the contempt jurisdiction, the court has to confine itself to the four corners of the order alleged to have been disobeyed.** Observing that in the contempt jurisdiction, the court cannot travel beyond the four corners of the order which is alleged to have been floated, in *Sudhir Vasudeva v. M. George Ravishekaran* [*Sudhir Vasudeva v. M. George Ravishekaran*, (2014) 3 SCC 373] , speaking for the Bench, Ranjan Gogoi, J., held as under : (SCC pp. 381-82, para 19)

**"19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenching upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, *Jharieswar Prasad Paul v. Tarak Nath Ganguly* [*Jharieswar Prasad Paul v. Tarak Nath Ganguly*, (2002) 5 SCC 352 : 2002 SCC (L&S) 703] , *V.M. Manohar Prasad v. N. Ratnam Raju* [*V.M. Manohar Prasad v.***

**N. Ratnam Raju, (2004) 13 SCC 610 : 2006 SCC (L&S) 907] , Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami [Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami, (2008) 5 SCC 339] and Union of India v. Subedar Devassy PV [Union of India v. Subedar Devassy PV, (2006) 1 SCC 613] ."**

**(emphasis supplied)**

**19. Applying the above principles to the present case, it is clear that the Single Judge fell in error in entertaining the contempt petition and further erred in directing the TWAD Board to pay compensation @ Rs 600 per square foot which works out to more than Rs 4,00,00,000. It is public money and having implications on the public exchequer, the public money cannot be allowed to be taken away by an individual by filing contempt petition thereby arm-twisting the authorities. The order passed by the learned Single Judge affirmed by the Division Bench is ex facie erroneous and liable to be set aside."**

Referring the same, Learned Advocate General submitted that in a contempt proceeding, the Court has to confine itself to the four corners of the order alleged to have been disobeyed. But, here in the case at hand, the subsequent order passed by the respondent-contemnor was not connected to the earlier order and it had no nexus with the earlier order for disobeying the order of this court and as such, the present contempt proceeding is not maintainable.

Reference was further made to another citation of the Hon'ble Supreme Court of India reported in **(2019) 8 SCC 280 [titled as Ashok Kumar & Ors. vs. Depinder Singh Dhesi & Ors.]**, wherein in para No.17, Hon'ble the Apex Court observed as under:

**"17. Mr Maninder Singh, learned Senior Advocate, was, therefore completely justified in relying upon the following observations passed by this Court in J.S. Parihar v. Ganpat Duggar [J.S. Parihar v. Ganpat Duggar, (1996) 6 SCC 291 : 1996 SCC (L&S) 1422] : (SCC pp. 293-94, para 6)**

**"6. The question then is whether the Division Bench was right in setting aside the direction issued by the learned Single Judge to redraw the seniority list. It is contended by Mr S.K. Jain, the learned counsel appearing for the appellant, that unless the learned Judge goes into the correctness of the decision taken by the Government in preparation of the seniority list in the light of the law laid down by three Benches, the learned Judge cannot come to a conclusion whether or not the respondent had wilfully or deliberately disobeyed the orders of the court as defined under Section 2(b) of the Act. Therefore, the learned Single Judge of the High Court necessarily has to go into the merits of that question. We do not find that the**

contention is well founded. It is seen that, admittedly, the respondents had prepared the seniority list on 2-7-1991. Subsequently promotions came to be made. The question is whether seniority list is open to review in the contempt proceedings to find out whether it is in conformity with the directions issued by the earlier Benches. It is seen that once there is an order passed by the Government on the basis of the directions issued by the court, there arises a fresh cause of action to seek redressal in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the wilful violation of the order. After re-exercising the judicial review in contempt proceedings, a fresh direction by the learned Single Judge cannot be given to redraw the seniority list. In other words, the learned Judge was exercising the jurisdiction to consider the matter on merits in the contempt proceedings. It would not be permissible under Section 12 of the Act. Therefore, the Division Bench has exercised the power under Section 18 of the Rajasthan High Court Ordinance being a judgment or order of the Single Judge; the Division Bench corrected the mistake committed by the learned Single Judge. Therefore, it may not be necessary for the State to file an appeal in this Court against the judgment of the learned Single Judge when the matter was already seized of the Division Bench."

Referring the same, Learned Advocate General submitted that the matter is squarely covered by the said observation of the Hon'ble Apex Court.

Again, Learned Advocate General referred another citation of the Hon'ble Supreme Court of India in **Jharieswar Prasad Paul & Anr. vs. Tarak Nath Ganguly & Ors.**, reported in **(2002) 5 SCC 352** wherein in para Nos. 11 and 12, Hon'ble the Apex Court observed as under:

"11. The purpose of contempt jurisdiction is to uphold the majesty and dignity of the courts of law, since the respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen and the democratic fabric of society will suffer if respect for the judiciary is undermined. The Contempt of Courts Act, 1971 has been introduced under the statute for the purpose of securing the feeling of confidence of the people in general for true and proper administration of justice in the country. The power to punish for contempt of court is a special power vested under the Constitution in the courts of record and also under the statute. The power is special and needs to be exercised with care and caution. It should be used sparingly by the courts on being satisfied regarding the true effect of contemptuous conduct. It is to be kept in mind that the court exercising the jurisdiction

to punish for contempt does not function as an original or appellate court for determination of the disputes between the parties. The contempt jurisdiction should be confined to the question whether there has been any deliberate disobedience of the order of the court and if the conduct of the party who is alleged to have committed such disobedience is contumacious. The court exercising contempt jurisdiction is not entitled to enter into questions which have not been dealt with and decided in the judgment or order, violation of which is alleged by the applicant. The court has to consider the direction issued in the judgment or order and not to consider the question as to what the judgment or order should have contained. At the cost of repetition, be it stated here that the court exercising contempt jurisdiction is primarily concerned with the question of contumacious conduct of the party, which is alleged to have committed deliberate default in complying with the directions in the judgment or order. If the judgment or order does not contain any specific direction regarding a matter or if there is any ambiguity in the directions issued therein then it will be better to direct the parties to approach the court which disposed of the matter for clarification of the order instead of the court exercising contempt jurisdiction taking upon itself the power to decide the original proceeding in a manner not dealt with by the court passing the judgment or order. If this limitation is borne in mind then criticisms which are sometimes levelled against the courts exercising contempt of court jurisdiction "that it has exceeded its powers in granting substantive relief and issuing a direction regarding the same without proper adjudication of the dispute" in its entirety can be avoided. This will also avoid multiplicity of proceedings because the party which is prejudicially affected by the judgment or order passed in the contempt proceeding and granting relief and issuing fresh directions is likely to challenge that order and that may give rise to another round of litigation arising from a proceeding which is intended to maintain the majesty and image of courts.

12. Judging the case in hand on the touchstone of the principles noted above, we find that the directions issued by the Division Bench in the impugned judgment in effect granted substantive reliefs not covered by the judgment/order passed in the original proceeding. In the judgment, no direction was issued by the High Court that the writ petitioners will be admitted to the cadre of Upper Division Clerks/Assistants in the Directorate. As noted earlier, they have all along been holding the posts of Clerk-cum-Cash Collector which are ex cadre posts. Entry of such persons into the cadre of Upper Division Clerks/Assistants has to be considered taking into account various aspects of the matter. It is one thing to say that the benefits under the government order may be extended to the writ petitioners also and extending benefits of the government order to the writ petitioners is one thing and directing their entry into the existing cadre of Office Assistants is a different thing. Such a dispute can only be determined on consideration of all relevant aspects of the matter and cannot be and should not be ordered in the summary proceeding for taking action for contempt of court. If the High Court felt that the grievance of the writ petitioners relating to the question of their entry into the cadre of Upper Division Clerks/Assistants has not been dealt with by the Court and specific direction has not been issued while disposing of the writ petitions/appeals then the appropriate course was to leave it to the parties (writ petitioners) to agitate the matter before the competent forum. Further the question of entry of holders of ex cadre

posts, like the writ petitioners, into an existing cadre is a matter of policy which the Government has to decide. Be it noted here that on consideration of the matter the High Court held that no action for contempt of court need be taken against the respondents in the writ petition for deliberate disobedience of the judgment or order passed by the High Court. Thereafter it was not open to the court to pass any order granting substantive relief to the applicants (writ petitioners) on the plea that the question raised was also a part of their grievance in the writ petition."

Referring the same, Learned Advocate General submitted that in a contempt jurisdiction, the court has to consider the direction issued in the judgment or order and not to consider the question as to what the judgment or order should have contained. Here, in the case at hand, the action of the respondent-contemnor does not attract any wilful disobedience of the order of this court and, as such, the present contempt petition is not maintainable.

Lastly, Learned Advocate General referred another citation of the Hon'ble Apex Court reported in **(2014) 3 SCC 373 [titled as Sudhir Vasudeva, Chairman & Managing Director, Oil & Natural Gas Corporation Ltd. & Ors. vs. M. George Ravishekar & Ors.]**, wherein in para No. 19, Hon'ble the Apex Court observed as under:

"19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenching upon. No order or direction supplemental to what has been already expressed should

**be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, Jhareswar Prasad Paul v. Tarak Nath Ganguly [(2002) 5 SCC 352 : 2002 SCC (L&S) 703] , V.M. Manohar Prasad v. N. Ratnam Raju [(2004) 13 SCC 610 : 2006 SCC (L&S) 907], Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami [(2008) 5 SCC 339] and Union of India v. Subedar Devassy PV [(2006) 1 SCC 613]."**

Referring the same, Learned Advocate General submitted that the Court must not travel beyond the four corners of the order which is alleged to have been flouted or enter into question that have not been dealt with or decided in the judgment or the order violation of which is alleged.

Learned Advocate General further submitted that no order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court. Learned Advocate General also submitted that without seeking any specific relief on the subsequent action, by filing separate petition, there is no scope on the part of the petitioner to get any redress for quashing/setting aside the order dated 24.10.2025 (*Annexure-36*) issued by the respondent-contemnor and urged for dismissal of this content petition.

I have given anxious hearing of both the sides.

Here, in the instant matter, at this stage, it is to be decided whether the order dated 24.10.2025 (*Annexure-36*) attracts wilful civil contempt as mentioned in Section 2(b) of the Contempt of Courts Act, 1971?

For the sake of convenience, I would like to mention hereinbelow the last part of the order dated 07.10.2025 passed by this Court in IA No. 1 of 2025 in WP(C) No.598 of 2025:

**"Situating thus, in the considered opinion of this Court, the petitioner has got a good *prima facie* case and accordingly, any action on "cancellation of No Objection Certificate" dated 26.09.2025 issued by the respondent No.3 be stayed till disposal of the writ petition."**

For the sake of brevity, I have also seen the order dated 26.09.2025 (*Annexure-6*) passed by the District Magistrate & Collector. The said order was passed based upon the report of SDM, Sadar dated 23.09.2025 and the report of Divisional Fire Officer, West Division, Agartala dated 18.09.2025 which has been stayed by this Court by order dated 07.10.2025 till disposal of the writ petition.

The said order dated 07.10.2025 was brought to the knowledge of the respondent-contemnor by submitting one written communication dated 09.10.2025 (*Annexure-21*), which was received by the office of the respondent-contemnor on that day itself. Thus, it appears that on 09.10.2025, the respondent-contemnor had full knowledge about the order dated 07.10.2025.

The respondent-contemnor in this contempt proceeding has filed one counter affidavit. In the last part of para No.19 of the counter affidavit, the respondent-contemnor submitted that "*However, after passing of interim order dated 07/10/2025 in IA I OF 2025 ARISING OUT OF WP(C) 598 of 2025, the Respondent-contemnor has not proceeded in the strictest sense of the order, as the Respondent-contemnor holds each and every order and direction of this Hon'ble Court at highest esteem*".

However, surprisingly, the respondent-contemnor has issued one show-cause notice upon the present petitioner on 09.10.2025 (*Annexure-25*), on the basis of the report of Divisional Fire Officer, West Division, Agartala dated 18.09.2025, which was taken into consideration in the order dated 07.10.2025 passed by this court. The respondent-contemnor, knowing fully the order of this Court, again

proceeded to take further action against the petitioner adopting other methods. After receiving the show-cause notice, reply was submitted by the petitioner to the respondent-contemnor on 13.10.2025. Again, on 14.10.2025 (*Annexure-29*) an order was passed by the respondent-contemnor under Section 30 of the Disaster Management Act, 2005 wherein it was mentioned that the report of the Divisional Fire Officer dated 18.09.2025 has been challenged by the petitioner, meaning thereby, on 14.10.2025, at the time of issuing order by District Magistrate & Collector, it was within his knowledge that this Court has stayed the order dated 26.09.2025 (*Annexure-6*) where the aforementioned report dated 18.09.2025 was taken into consideration. The respondent-contemnor, having full knowledge directed the Divisional Fire Officer (for short, DFO) to further submit detailed enquiry report on 16.10.2025. Accordingly, the DFO submitted report on 16.10.2025 and thereafter on 17.10.2025 (*Annexure-31*), the respondent-contemnor again issued another notice upon the petitioner to appear for hearing on 22.10.2025 on this subject under Section 30 of the Disaster Management Act, 2005.

Reply was submitted by the petitioner and on 24.10.2025 (*Annexure-34*) another order under Section 152 of BNSS, 2023 was issued by the respondent-contemnor against the petitioner fixing 03.11.2025 for hearing. More interestingly, on the same day i.e. on 24.10.2025, the respondent-contemnor has passed the impugned order under Section 34 of the District Management Act, 2005 (*Annexure-36*) directing closure of the petrol pump belonging to the petitioner, which shows that the respondent-contemnor bypassing the earlier order dated 07.10.2025 passed by this Court in IA No.1 of 2025 in WP(C) No.598 of 2025 wilfully disobeyed the said order on the same subject matter invoking separate jurisdiction, which shows arbitrariness on the part of

the respondent-contemnor. Furthermore, the order passed by the respondent-contemnor was in excess of the jurisdiction and beyond the statutory provisions prescribed under Disaster Management Act, 2005. Even, the alleged complaint was not supported by any signature of any persons. As such, question arises as to how the respondent-contemnor proceeded on such a complaint and initiated further mala fide action.

However, it is pertinent to mention herein that similar matters in issues have already been dealt with by this Court in an earlier writ petition bearing No.WP(C) No.206 of 2011 filed by the petitioner, which has attained finality as per order dated 09.09.2016.

So, after hearing elaborate arguments of both the sides and also after carefully going through the citations referred by Learned Counsels of both the parties, it appears to this Court that the citations referred by Learned Senior Counsel for the petitioner are applicable to the subject matter in issue. By his subsequent action, the respondent-contemnor has violated the order passed by this court on 07.10.2025 in the connected IA during pendency of the connected writ petition thereby attracting civil contempt as defined under Section 2(b) of the Contempt of Courts Act, 1971.

In the result, the respondent-contemnor is found guilty of wilful disobedience of the order dated 07.10.2025 passed by this Court in IA No.1 of 2025 in WP(C) No.598 of 2025. Accordingly, for having committed such wilful disobedience of the said order, the subsequent order dated 24.10.2025 (*Annexure-36*) issued by the respondent-contemnor is held to be illegal and without jurisdiction and thereby, stands quashed/set aside.

However, considering the facts and circumstances of the case, the respondent-contemnor is asked to pay a cost of Rs. 2,000/- to the petitioner within a period of 15 days from today.

With this observation, the present contempt petition stands disposed of.

Pending application(s), if any, also stands disposed.

**JUDGE**



*Snigdha*

**AMRITA**  
**DEB**

Digitally signed  
by AMRITA DEB  
Date: 2025.11.14  
17:32:26 +05'30'