

Party Name : ARUN CH.SUTRADHAR Vs ABHAY KR. & ANR

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. C. S. Sinha, learned counsel appearing for the petitioner.

This is a petition filed under Section 12 of the Contempt of Courts Act, 1971 read with the provisions of Article 215 of the Constitution of India for drawing up a contempt proceeding against the respondents for alleged violation of the judgment and order dated 24.08.2015 delivered in W. P.(C) No.348 of 2015.

When this Court confronted Mr. Sinha, learned counsel for the petitioner, whether there is any proof that the said judgment and order was communicated to the respondents against whom the allegation of violating the court's order has been brought, Mr. Sinha, learned counsel for the petitioner having referred to a communication dated 27.08.2015 has submitted that he was not allowed to resume the duties. But that communication does not bear any signature or seal of the authority to which the said communication was addressed. Further, when Ms. Sinha, learned counsel was asked whether the copy of the order was sent by the registered post with AD, Mr. Sinha, learned counsel has fairly submitted that no such paper has been produced by the petitioner that the judgment and order dated 24.08.2015 delivered in W.P.(C) No.348 of 2015 was received by the respondents.

Having regard to these aspects of this matter, this Court is unable to satisfy itself prima facie that the respondents had the knowledge about the direction made by this Court by the judgment and order dated 24.08.2015 delivered in W.P.(C) No.348 of 2015. As such, this petition is closed.

However, the petitioner may approach this Court in future, if he finds that despite knowledge of the judgment and order dated 24.08.2015 delivered in W.P.(C) No.348 of 2015, the persons who are supposed to obey that order have not so obeyed in wilfully for drawing up the contempt of court proceeding.