

05.08.2022

Court No.32
rpan/ **12**

CPAN 1056 of 2016
Noor Nawaj Molla
- Versus -
Abdul Motalak & Others_
in
WPA No. 3860 of 2016
+
IA No.: CAN 1 of 2017
(Old No.: CAN 8091 of 2017)

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal
... for the petitioner.
Mr. Falguni Bandyopadhyay
Ms. Riya Ballav
... for the Alleged Contemnors.

The present contempt application has been preferred alleging violation of an order dated 18th March, 2016, passed by this Court in W.P. No. 3860 (W) of 2016 [newly numbered as WPA No. 3860 of 2016]. By the said order, this Court directed the alleged contemnors, who were the respondent nos.6 and 7 in the writ petition to comply with the order dated 24th November, 2015 passed by the respondent no.5 in the writ petition.

Mr. Hossain, learned advocate appearing for the petitioner submits that a new incumbent has joined the post of Secretary in the concerned Madrasah and he prays for leave to implead the new incumbent.

Such prayer is considered and allowed. Leave is granted to the learned advocate for the petitioner to effect necessary correction in the cause title of the contempt application.

Mr. Hossain submits that challenging the order passed by this Court on 18th March, 2016 the alleged contemnors preferred an appeal and the same was dismissed on 4th June, 2017. Subsequent thereto, the alleged contemnors again preferred a writ petition challenging the order passed by the respondent no.5 which was directed to be complied with by the order dated 18th March, 2016. The said writ petition had also been dismissed on 27th June, 2022.

Such facts have not been disputed by Mr. Bandyopadhyay, learned advocate appearing for the alleged contemnors.

In view thereof, the application for modification of the order of this Court dated 18th March, 2016, being IA No.: CAN 1 of 2017 (Old No. CAN 8091 of 2017) is dismissed.

In course of hearing of the contempt application, Mr. Bandyopadhyay tenders unqualified apology on behalf of the alleged contemnors and submits that they would immediately comply with the order passed by this Court on 18th March, 2016.

The alleged contemnors are directed to file a compliance report, in the form of an affidavit before this Court on the returnable date.

In the said report the alleged contemnors shall also explain the delay.

List the matter for further consideration under the heading 'To Be Mentioned' on **2nd September, 2022.**

(Tapabrata Chakraborty, J.)