

Item No.225

In The High Court At Calcutta
Special Jurisdiction
(via video conference)

07.04.2021
Ct-24

CPAN 282 of 2020
Gobinda Ghosh & Anr.
v.
Uttam Das
(arising out of)
WPA No. 30937 of 2017

Mr. S.N. Chakraborty
Ms. Kalyani Bhattacharyya
... for the petitioners.

Mr. Syamal Kumar Das
Ms. Smita Pal
... for the contemnor.

By order dated August 20, 2019 direction was passed for demolition of the structure which has been made on a land on which no construction could have been made. The order was directed to remain stayed for a period of thirty days to enable the private respondents to apply for review of the order by disclosing the documents which ought to have been disclosed, had it acted with due diligence at the time of hearing of the writ petition.

The learned advocate appearing on behalf of the contemnor submits that a copy of the application for review was served upon the contemnor.

It has further been submitted that as there is no time limit mentioned for compliance of the order, accordingly, the contempt application will not be maintainable.

The learned advocate for the petitioner submits that the copy of the review application has not been served upon him.

The submission of the contemnor that the contempt application will not be maintainable as no time limit has been fixed for compliance of the direction passed therein does not appeal to the Court. In the event no time is fixed for complying the order then it has to be taken that the order has to be complied within a reasonable time. The contemnor ought not to avoid compliance of the order on the plea that no time has been fixed for compliance of the direction passed therein.

The direction was passed by the Court on August 20, 2019 and no appeal being preferred therefrom, the same attained finality. The contemnor is duty bound to comply the order passed on August 20, 2019 within a reasonable time.

However, as no time was mentioned in the order dated August 20, 2019 within which the same ought to have been complied with, accordingly, eight weeks' time

is granted to the contemnor to comply with the direction passed by the Court on August 20, 2019.

Let the matter appear in the list for further consideration on June 16, 2021. The affidavit-of-compliance shall be filed on the next date of hearing.

Affidavit-of-service filed in Court is taken on record.

Sh

(Amrita Sinha, J.)