

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE
(Through Video Conference)

WPCRC 243 of 2009
in
WPA 9668 of 2008

Dhirendra Nath Patra & Anr.
Vs.
Susanta Chakraborty

Mr. Saikat Chatterjee
... For the applicants/petitioners

On the prayer of Saikat Chatterjee, a learned advocate representing the applicants/petitioners, the matter was adjourned on 1st July, 2021. Today it is submitted by the said advocate that he has not been able to obtain any instruction from his clients, the applicants/petitioners. The said advocate also submits to have not been able to locate the brief and, as such, expresses his inability to proceed with the matter.

It appears from the order dated 18th March, 2010 that Saikat Chatterjee, the learned advocate represented the applicants/petitioners on 18th March, 2010 when a copy of the affidavit of compliance was served on him. Leave was also granted to the applicants/petitioners to file affidavit-in-opposition to the affidavit of compliance. No affidavit against the affidavit of compliance has been filed, as submitted by Mr. Chatterjee.

It appears from the order dated 24th June, 2008 passed in WP 9668 (W) of 2008 that the writ petition was disposed of with the following directions:-

“Be that as it may, the instant writ application is disposed of with liberty to the writ petitioners to submit separate representation before the respondent authority being the respondent no.2 herein within a period of three weeks from this date.

While submitting such representation, the writ petitioners may not only ask for the amount they are entitled to get but they can also approach for their absorption.

The respondent authority may consider all such grievances in its proper perspective and must take appropriate action or pass necessary order in accordance with rules.

The entire process must be completed within a period of six weeks from the date of receipt of the representation.

Action to be so taken or order to be so passed must also be duly communicated to the writ petitioners within a period of further two weeks.”

In absence of any affidavit controverting the statements in the affidavit of compliance despite long passage of time, the statements made in the affidavit of compliance are presumed to be correct. The order, the violation of which was complained of in the contempt petition, as such, has been complied with.

Nothing further remains to be adjudicated in the contempt application. The contempt proceedings are dropped. The contempt application is disposed of recording compliance of the order, being the subject matter of the contempt application.

The Rule stands discharged.

(Arindam Mukherjee, J.)