

30.06.2023  
Sl. No.47(DL)  
srm

**CPAN 382 of 2022  
(CAN 1 of 2023)  
In  
W.P.A. No. 14824 of 2021**

**Tapan Adak  
Versus  
Manik Chandra Makhal, The Pradhan of  
Joargari Gram Panchayet**

Sk. Toslim Ali,  
Ms. Saba Parween

...for the Applicant/Petitioner.

Mr. Subhrangsu Panda,  
Ms. Ina Bhattacharyya,  
Ms. Mithu Singha Mahapatra,  
Mr. Debodthyam Das

...for the Alleged Contemnor.

Despite having been given repeated opportunities to comply with the order of this Court, the Pradhan of Joargari Gram Panchayat, Howrah, intentionally refrained from following the orders passed in the contempt application.

An order was passed on September 1, 2022 upon the alleged contemnor to file a compliance. Thereafter, on April 27, 2023, and on May 11, 2023 when the contemnor was represented by two learned counsel. On June 22, 2023, due to non-appearance of the alleged contemnor, the Officer-in-Charge, Rajapur Police Station, was directed to produce the contemnor before this Court.

In response to the said order, the alleged contemnor is present today upon being produced by the police authorities. On the last occasion, the learned Advocate for the alleged contemnor made an excuse that he was busy with the election process. Hence, this Court deemed it fit to cause production of the alleged contemnor.

The Court, *prima facie*, found that the alleged contemnor had flouted the order passed in the writ petition. The Court directed that the alleged contemnor shall not participate in the election campaign. No orders were passed either with regard to his candidature or with regard to his participation, only he was stopped from campaigning.

Today, another learned Advocate appears before this Court on behalf of the alleged contemnor and apologises and prays for recall of the order passed by this Court restraining the Pradhan from campaigning. The said application for recalling is CAN 1 of 2023.

Even today, not a scrap of paper has been filed by way of an affidavit either in the form of compliance or in the form of apology, although the order of this Court dated October 7, 2021 remains unimplemented. In spite of non-compliance with the order of this Court and in spite of not appearing before this Court either by himself or through his learned Advocate, the Pradhan, Joargori Gram Panchayat, who is

facing contempt proceedings had the audacity to file a recalling application of the order passed by this Court restraining him from campaigning. Neither any affidavit-of-compliance nor any affidavit in the form of apology has been filed. In view of the office he holds and also as a law abiding citizen, it was his cardinal duty to obey the order of the Court.

Mr. Panda, learned Advocate appearing on behalf of the alleged contemnor submits that inspection was conducted and parties were called for hearing. This does not persuade the Court to alter the direction already passed earlier, as the aforementioned step is not at all a compliance of the order passed in WPA No.14824 of 2021.

The Court is not persuaded to change the earlier order. Whatever steps were taken, should have been taken within reasonable time. Several chances were given by this Court, but a proper compliance has not yet come.

CAN 1 of 2023 is dismissed with cost of Rs.5,000/-, to be paid by the alleged contemnor to the State Legal Services Authority, West Bengal, within a week.

This order shall not prevent the alleged contemnor from purging the contempt so far committed.

The issue as to whether punishment with regard to the contempt should be imposed by the Court, shall be

decided upon an affidavit to be filed by the alleged contemnor within two weeks. Reply, if any, be filed within two weeks thereafter. Such affidavit shall be filed, subject to payment of cost, as directed.

Let this matter appear on **August 17, 2023** at **3.00 pm**.

Office is directed to serve a copy of this order to the West Bengal State Election Commission, Superintendent of Police, Howrah (Gramin), Sub-Divisional Officer, Uluberia, Officer-in-Charge, Rajapur Police Station, Howrah.

**(Shampa Sarkar, J.)**