

S/L. 16 & 17.
November 25, 2022.
MNS.

CPAN 857 of 2022
in
WPA No. 15149 of 2019

Smt. Manasi Majumder and others
Vs.
B. P. Gopalika and another

Mr. Siddhartha Banerjee,
Mr. Sital Chakraborty,
Ms. Jyoti Rauth,
Mr. Soumajit Majumder

... for the petitioners.

Mr. Soumitra Bandyopadhyay,
Mr. Srikanta Paul

...for the contemnors.

Re: CPAN 857 of 2022(contempt application)

The copy of the order dated November 16,
2022 handed over in Court today be kept on
record.

Learned counsel for the petitioners
contends that the alleged contemnors were
directed by this court to decide on the
representation of the petitioners and to disclose
their right over the property in occupation of the
respondent-authorities, if necessary, along with
appropriate corroborative documents.

It is submitted that, during the pendency of the contempt application, a communication was made on a purported order sheet, which indicated that the representation of the petitioner had been considered and decided. However, although several documents have been mentioned in the said order, none of those lead to the conclusion arrived at.

Apart from such patent discrepancy, it is alleged in the order that the alleged contemnors were, pursuant to the direction of this court, to provide the supporting documents, if necessary. It is submitted that in the present case, the rider "if necessary" is applicable since the documents are the sole basis for the conclusion arrived at. Thus, it is submitted that the order of this court was not complied with in its true spirit, which tantamounts to contempt of court.

Learned counsel appearing for the contemnors submits that the alleged contemnors are agreeable to hand over copies of the documents on which they have relied for coming to the conclusion in the order dated November 16, 2022, which was communicated duly to the petitioner.

In view of such fair stand having been taken by the alleged contemnors, there appears to be some doubt as to whether there was deliberate flouting of the order of this court and/or whether the petitioner, being aggrieved with the merits of the order-in-question, is entitled to prefer a separate writ petition.

Be that as it may, in order to establish the *bona fides* of the alleged contemnors, the contemnors are directed to hand over copies of the relevant documents, which acted as a basis of their order dated November 16, 2022, within a week from date to the learned Advocate for the petitioners.

The matter shall next be listed under the same heading on December 9, 2022.

(Sabyasachi Bhattacharyya, J.)