

23rd June,
2022
(AK)
110-111

CPAN 14 of 2022
with
W.P.A 8910 of 2020
IA No: CAN 1 of 2021

Jharna Chakraborty
Vs.
Sri Biman Kumar Mridha and others

Ms. Deblina Lahiri
Mr. Mrinmoy Chatterjee
...for the petitioner/applicant.

Mr. Subhabrata Datta
Mr. Debashis Sarkar
...for the alleged contemnor no.1.

Mr. Shibaji Kumar Das
...for the alleged contemnor nos.2, 3 and 5.

It is submitted by learned counsel for the parties unanimously that the order, of which contempt had been alleged, has been complied with in the meantime.

Hence, CPAN 14 of 2022 is dismissed without any order as to costs.

Re: CAN 1 of 2021

Learned counsel for the recall applicant submits that the parents of the present applicants, at the instigation of the other brother of the present applicants, had filed the writ petition although the present applicants had no role to play whatsoever in either ousting the parents from their residence or from disturbing the parents in any manner whatsoever.

Such contention is controverted by learned counsel for the writ petitioner/opposite party.

Upon a perusal of the records, it does not appear that any supporting evidence has been produced even to *prima facie* justify an order of recall of the order dated December 24, 2020.

That apart, the premise of the said order under recall was that the elderly petitioners, one ninety years old and other seventy eight years old, had lodged complaints with the police authorities on being ousted from their residence.

The direction passed by this court was that the respondent no.4 in the writ petition was to immediately enquire into the complaints of the petitioners and to afford adequate protection to the petitioners for the purpose of reinstating the petitioners to their residence as well as to save them from harassment from their family members.

There is no occasion, as such, to recall the said order on merits.

Accordingly CAN 1 of 2021 is dismissed without any order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)