

14th July,
2022
(AK)
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CPAN 1 of 2019
in
W.P.A 6779 of 2018

Purnima Mondal and another
Vs.
Sri Rashed Mobin

Mr. Shibaji Kumar Das
Ms. Rupsa Sreemani

...for the petitioners.

Mr. Srijan Nayak
Mrs. Rituparna Maitra

...for WBSEDCL.

Learned counsel for the alleged contemnor files an affidavit-in-opposition annexing therewith a copy of an order dated March 29, 2022 passed by the Assistant Engineer and Station Manager, Basanti, C.C.C.

It is seen from the tenor of the order, which is alleged to be under contempt, that a direction was given by this court on the said Assistant Engineer/Station Manager, that is, respondent no. 3 in the writ petition, to consider and take a decision in accordance with law in respect of the petitioners' representation dated January 25, 2018 within four weeks from the date of communication of the order after giving an opportunity of hearing to the petitioners or their authorized representatives and other interested parties.

It appears from Annexure- R4 at page-14 of the affidavit-in-opposition to the contempt application that an

order has been passed in compliance with the said direction.

Since no reply has yet been used by the petitioners, it is deemed that the allegations made in the opposition are otherwise denied.

Learned counsel for the petitioners submits that the petitioners have certain grievances with the order dated March 29, 2022.

However, in the event the petitioners have some grievance in that regard, it will be open to the petitioners to challenge the same in an independent writ petition.

It is beyond the scope of the court sitting in contempt jurisdiction to go into the merits of such challenge.

Accordingly, CPAN 1 of 2019 is disposed of by granting liberty to the petitioners to prefer a challenge against the order dated March 29, 2022.

If any such challenge is preferred, the court taking up the matter shall not be swayed in any manner by any of the observations made herein.

There will be no 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.)