

Item No. 770

In The High Court At Calcutta
Special Jurisdiction
Appellate Side

21.04.2022
Ct-24

CPAN 220 of 2021
Sri Swapan Roy @ Swapan Kumar Roy
v.
Sri Jyotishman Chattopadhyay & Anr.
in
WPA 23586 of 2019

Mr. Rudranil De
Ms. A. Halder
...For the Petitioner.

Mr. Tapan Kumar Mukherjee
Mr. Shamim ul Bari
...For the contemnor no. 1.

Mr. Gopal Chandra Das
... For the contemnor no.2.

The petitioner alleges violation of the direction passed in the order dated December 20, 2019.

By the said order the Court directed the respondent no. 2 to take a decision in the matter in terms of the judgment passed by the learned Single Judge on April 29, 2016 and the judgment passed by the Hon'ble Division Bench on January 11, 2019.

It appears from the supplementary affidavit filed by the petitioner that the Director of Local Bodies considered the matter and rejected the prayer of the petitioner.

According to the petitioner, the rejection was made contrary to the direction passed by the Hon'ble Court.

Whether the order passed by the Director of Local Bodies was in accordance with the order passed by the Court or whether it was in accordance with law or not has to be decided in a fresh proceeding and not in the contempt application.

Prima facie, it appears that the respondent authority considered the prayer of the petitioner and rejected the same. Accordingly, there is no requirement of proceeding with the contempt application any further.

The contempt application stands disposed of.

The petitioner will be at liberty to challenge the order passed by the Director of Local Bodies before the appropriate forum, if so advised.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)