

Sn 5.5.2022

C P A N 284 of 2020

Arising out of

W.P.A. 76 of 2017

Dipak Kumar Das Vs. Nishanta

Mr.S.P. Pahari

Mr .A. Pradhan

Mr . T . K . Mahapatra

Mr .Gourav Purkayastha

..for the petitioner

Mr. Swapan Kr. Pal

..for the alleged contemnors.

Affidavit-in-reply is taken on

Perused the affidavit-in-opposition

filed by the respondents/alleged contemnors.

It appears that the order of this Court dated

September 24, 2019 has been complied with and

a reasoned order has been passed. It has been

stated specifically in the order that two

opportunities were granted to the petitioner

to be present at the hearing. An information

was also sent by WhatsApp and affixation of

notice by the authorities of Debhog Gram

Panhayat.

Under such circumstances, it is

prayed that the contempt application be

disposed of and the contempt proceeding be

dropped.

Mr. Pahari, learned advocate for the petitioner submits that the order dated August 2, 2021 passed by the District Panchayat & Rural Development Officer, Purba Medinipore was not in total compliance of the order of this Court as the Court had directed that proper hearing must be given to the petitioner. Such hearing was not granted.

The scope of contempt is very limited.

The Court is only to examine whether there has been wilful and deliberate violation of the order of the Court. It appears that attempts were made by the authority to serve the petitioner with a notice of hearing. Notice was also sent by WhatsApp and affix at a conspicuous place in the locality for the purpose of disposal of the application.

This Court finds that the authorities have not committed contempt. The allegation that the order cannot be sustained for violation of the principles of natural justice cannot be decided in the contempt proceeding.

As the petitioner has already

challenged the order passed by the authority by way of a writ petition, nothing remains to be decided in the contempt application. The writ petition shall proceed independently.

The contempt application is disposed of.

The contempt proceeding is dropped.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order and/or learned advocate's communication.

(Shampa Sarkar, J.)

