

24th February,
2022
(AK)
26-27

CPAN 357 of 2021
With
W.P.A 7810 of 2019

Sri Sri Mritunjay Shib Thakur,
Represented by
Madan Mohan Ghosh and others
Vs.
Sri Amandeep,
The Superintendent of Police

(Via Video Conference)

Mr. Gopal Chandra Ghosh
Mr. Debayan Sinha
...for the petitioners.

Mr. Anirban Roy
Mr. Raja Saha
Mr. Debasish Ghosh
...for the alleged contemnor no.1 & 2.

Mr. Suman Chakraborty
...for the private respondent no.9 & 12.

The contempt petition has been filed on the allegation that the order passed by this court on March 5, 2020 in W.P. 7810(W) of 2019 is being blatantly flouted by the alleged contemnors.

Learned counsel for the petitioner submits that the petitioners are being restrained by the alleged contemnors from managing Gajan festival at the locality and/or from offering daily seba puja to the deity.

It is further alleged that threats are being issued preventing the petitioners from holding such seba puja and/or organizing the Gajan ceremony.

Learned counsel appearing for the alleged contemnors unanimously submit that there arose no occasion of the alleged contemnors preventing the petitioners in managing the Gajan ceremony.

It is further submitted that in fact, the petitioners did not take any initiative or any permission from any authority for the purpose of holding Gajan festival at all.

By pointing out to the first paragraph of the second page of the order under contempt, as appearing at page-22 of the contempt application, learned counsel argue that the initial injunction order of the trial court, which was directed to be implemented as per modification dated April 9, 2018, was modified to the following extent:

The defendants therein, that is, the private respondents in the writ petition, as well as other villagers were given liberty to offer puja to the deity and to celebrate '*Gajan*' festival by becoming '*sannyasi*', but not to create any interference or disturbance in the management of the '*Gajan*' ceremony by the plaintiffs-shebaits in order to ensure good order and decency of worship.

On such premise, since a subsequent order of the civil court directing the police to implement such order was allegedly not complied with by the police authorities, the petitioner had moved this court and the order under contempt was passed.

However, upon hearing learned counsel for the parties and going through the materials-on-record, as annexed to the contempt application, it is only seen that the Officer-in-Charge of the Goghat Police Station, Hooghly (Rural), had put up a notice, a copy of which was sent to the petitioners, indicating the order of this court and also that the said order was being complied with by the police authority.

However, a subsequent document dated April 10, 2022 issued by one of the petitioners has also been annexed, which indicates that the petitioners squarely denied such stand of the police authorities and specifically alleged that the private respondents were still threatening the petitioners and preventing the petitioners from offering puja at the temple-in-question.

What is admitted by both sides is that during most of the relevant period, due to the pandemic, it was not being possible to arrange large gatherings. This by itself casts a doubt on the allegations made in the contempt application.

That apart, although allegations have been levelled in writing by the petitioners against the alleged contemnors, no specific incident, date or time of occurrence of the alleged contumacious act(s) has been specified.

It is further elicited from the records that the contempt petition does not disclose a scrap of paper to

indicate that the petitioners took any initiative for the management of the '*Gajan*' ceremony at the locale and/or any document to indicate that the petitioners ever sought permission to hold such gathering and/or for the management of '*Gajan*' from any authority whatsoever.

It is seen from the order under contempt itself, which reflected the modification order of the civil court, that not only the petitioners but the alleged contemnors as well as other villagers were given the liberty to offer *puja* to the deity and also to celebrate '*Gajan*' festival by becoming '*sannyasi*'.

The restraint order pertained only to creating interference or disturbance in the management of the '*Gajan*' ceremony by the plaintiffs-shebaits in order to ensure good order and decency of worship.

There being precious nothing in the contempt application to establish even *prima facie* that the petitioners took any initiative for management of the '*Gajan*' ceremony or were obstructed in offering daily *seba puja*, the genesis of the alleged contempt itself comes under question.

As such, no contumacious act on the part of the alleged contemnors is established even on a plain reading of the pleadings in the contempt application, in conjunction with the materials annexed thereto.

In such view of the matter, there is no scope of taking the extreme measure of issuing a rule of contempt in the present case at all.

Accordingly, CPAN 357 of 2021 is dismissed, with costs of Rs.1,000/- payable by the petitioners to each of the alleged contemnors, due to the harassment and baseless allegations made against the latter, within a fortnight from date.

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

(Sabyasachi Bhattacharyya, J.)