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06.01.2022.
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CPAN 629 of 2021
in
WPA No. 135 of 2021

Abdul Odud
-vs.-
Sabuj Baran Sarkar & Ors.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee
...for the petitioner

Mr. Amitesh Banerjee,
Mr. Mahendra Prasad Gupta
...for the alleged contemnors

Learned counsel for the petitioner argues that despite a specific direction given by this Court in the order dated February 24, 2021 in W.P.A. No. 135 of 2021, to the effect that the respondent no. 2 in the writ petition would consider the writ petition itself as a representation by the petitioner and decide on the proposal recommended by the Additional District Magistrate and District Land and Land Reforms Officer, Hooghly on April 29, 2015 for long term settlement of the land-in-question in favour of the petitioner, within March 31, 2021, the alleged contemnor issued a communication enclosing an order dated September 14, 2021 which *ex facie* reveals that no appropriate decision was taken in terms of the direction of this Court. Learned counsel for the petitioner submits that the said order was a mere eye-wash and not

appropriate compliance with the direction of this Court by taking a proper decision on the recommendation-in-question.

Learned counsel appearing for the alleged contemnor submits, by placing reliance on the order dated September 14, 2021 itself, that as per the said order, it is evident that a detailed consideration was to be given to the recommendation/proposal by the Additional District Magistrate and District Land and Land Reforms Officer. As such, it is submitted that no contemptuous act has been perpetrated by the alleged contemnor. A copy of such order dated September 14, 2021, handed over by learned counsel for the alleged contemnor, be kept on record.

It is clearly evident from the said order that the alleged contemnor adverted to the merits of the proposal-in-question and decided the same according to the alleged contemnor's discretion. In the event the petitioner complains that there was an illegality and/or irregularity in the order dated September 14, 2021, it would be open to the petitioner to challenge the same in a fresh writ petition. However, the scope of hearing of a contempt application is limited to whether any contumacious act was perpetrated by the alleged contemnor. In the present case, it does not appear from the records in any manner that the alleged contemnor committed a deliberate violation and/or

wilful disobedience of the order of this Court justifying issuance of a rule of contempt.

Accordingly, C.P.A.N. No. 629 of 2021 is dismissed with liberty to the petitioner to challenge the subsequent order dated September 14, 2021 passed by the Joint Secretary to the Government of West Bengal, L & LR and RR&R Department, if aggrieved by the same, in an appropriate writ petition before a competent court.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)