

61 **26.09.
2022**
Ct. No. 04

Ab

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.

WPLRT 87 of 2022

Bhudeb Chandra Biswas and others
Vs.
Block Land & Land Reforms Officer, Karimpur-I,
and others.

Mr. Mrinal Kanti Ghosh.
... for the petitioners.

Mr. Asim Kumar Ganguly,
Mr. Subrata Das.
... for the State.

The instant writ petition is taken out against an order dated 24th September 2021 passed by the West Bengal Land Reforms and Tenancy Tribunal dismissing the contempt proceeding being MA 1137 of 2018.

The petitioners approached the Tribunal by filing OA 588 of 2016, which came to be disposed of on 12th July 2018 with the following order:

“Ld counsel for the applicants and Ld. Govt. Representatives are present.

Having heard both side and on perusal of the materials on record, liberty is given to the applicants to file a fresh representation before the BL&LRO concerned in terms of the order passed by the Hon’ble High Court, Calcutta in W.P. No. 9735(W)/1997 within a month from the date of receiving the certified copy of this order.

If such representation is filed, the BL&LRO, Kaimpur-I, Dist. Nadia will supply the certified copy of Misc. Case No. 10/XII/KMP of 2000 to the applicants within three months from the date of communication of this order.

The applicants are directed to serve copy of this application alongwith the Annexures and also the copy of the order passed this day upon the authority concerned within four weeks from the date of obtaining the certified copy of this order.

OA 588/2016 (LRTT) is, thus, disposed of.

Let a plain copy of this order duly countersigned by the Principal Officer of this Tribunal be made over to the Ld. G.R. for communication to the aforesaid authority for compliance and certified xerox copy of the order if applied for by the applicants be delivered subject to payment of requisite court fees.”

It is not a case of the petitioners that there has been a violation of the said order on a bare perusal of the same. It is contended that the said order has to be construed in a manner that the pending representation was required to be disposed of by giving a proper reasons and having not done so, the respondents have exposed themselves to be punished under the Contempt of Courts Act.

The tenet of the order, as quoted above, gives an impression that the liberty was granted to the petitioners to make a fresh representation before the Block Land & Land Reforms Officer and if such representation is filed, the said officer was directed to supply a certified copy of Misc. Case No.10/XII/KMP of 2000 within three months from the date of the communication of the order.

Curiously enough, after such direction was passed, the Tribunal further proceeded to direct the petitioners to serve the copy of the tribunal application along with annexures and the copy of the said order upon the authority concerned within four weeks from the date of obtaining the certified copy of the order.

It is sought to be contended by the petitioners that the aforesaid direction has to be construed in a pragmatic manner and the message is laudable that the pending representations were also directed to be disposed of by the concerned authority.

The contempt jurisdiction cannot be extended beyond the peripheral of the provisions contained under the Contempt of Courts Act. The contempt would not lie

if the order is capable of more than one interpretation and if one of such is adopted by the authority, even if the other appears to be more reasonable, the authority is not liable to be punished under the Contempt of Courts Act.

It appears that the order as complained of is clear that the liberty was granted to the petitioners to make a representation and the said representation was further been directed to dispose of in a manner as indicated herein above.

“Such representation” would qualify that the Tribunal intended the representation to be filed in terms of the said liberty and to be disposed of in a particular manner and cannot be construed to include the representation pending before the said authority. Any other interpretation would frustrate the intention gathered from using the expression “such representation”.

Since the contempt jurisdiction is limited, therefore, we do not find any infirmity and/or illegality in the impugned order as the authority has interpreted the said order in a manner, which cannot be said to be unreasonable and the moment the compliance is shown, it leads to a conclusion that the contempt application is liable to be dismissed. However, dismissal of the contempt application shall not stand in the way of the petitioners to ventilate their grievance before the appropriate authority.

The writ petition is, thus, dismissed.

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

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

