

CPAN 906 of 2019
(IA No. CAN 1 of 2021)
in
WPA 4209 of 2019

(Mamata Tikadar & Ors. Vs. Tapas Mondal & Anr.)

Mr. Sounak Bhattacharya
Mr. Sounak Mandal

..... For the petitioners

Mr. Amar Nath Sen
Mr. Malay Dhar
Mr. Amit Bikram Mahata

..... For the alleged contemnor no. 1

The present contempt application has been preferred alleging violation of an order dated 15th March, 2019 passed by this Court in a writ petition being WP 4209 (W) of 2019.

Mr. Bhattacharya, learned advocate appearing for the petitioners submits that in spite of due communication of the order passed by this Court, appropriate steps have not been taken by the alleged contemnors. By the said order, this Court categorically directed the contemnor no.1/respondent no. 6 in the writ petition to consider the representation submitted by the petitioner no. 3 on 29th October, 2018 upon granting an opportunity of hearing to the petitioner no. 3 and the private respondent no 7 and to take a decision, in accordance with law and to communicate the same to the parties within a period of

six weeks from the date of communication of this order. The contemnor no.1 has blatantly violated the directions contained in the said order.

Mr. Sen, learned advocate appearing for the alleged contemnor no. 1, however, submits that pursuant to the order passed by this Court, initially a notice was issued to the parties on 18th April, 2019 fixing a date of hearing on 24th April, 2019 and again a notice was issued to the parties on 15th July, 2019 fixing a date of hearing on 22nd July, 2019. In spite of such notices, the parties did not appear and as such, the order of this Court could not be complied with.

Mr. Sen further submits that subsequent thereto, no further notice could not be immediately issued due to the pandemic situation. However, a fresh notice has again been issued by the alleged contemnor no.1 on 1st November, 2022 directing the petitioners and the private respondent to be present at the time of hearing as scheduled on 7th November, 2022. On the said date an appropriate decision would be taken by the contemnor no.1. Let a copy of the said notice, as produced, be kept on record.

In reply, Mr. Bhattacharya, however, submits that the petitioners were present on both the dates as fixed on 24th April, 2019 and 22nd July, 2019.

It appears that in terms of the order passed by this Court, hearing was once fixed on 24th April, 2019. By a

subsequent notice, a fresh date of hearing was fixed on 22nd July, 2019 but no decision could be taken due to absence of the parties. However, a fresh memo has been issued directing the parties to appear on 7th November, 2022. The delay which has occurred stands intervened by a period lost due to the pandemic and in the said conspectus, it does not appear that the alleged contemnor no.1 has willfully or deliberately violated the order passed by this Court.

In view thereof, this Court is not inclined to proceed with the contempt application any further and the same is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Tapabrata Chakraborty, J.)