

19.07.2023

Court : 04
Item : 01
Matter : WPCRC
Status : DISCHARGE
Bench ID : 266048
Transcriber : NANDY

WPCRC 137 of 2023

in

WPLRT 81 of 2022

Ashima Halder

Vs.

Nitish Dhali

Mr. Pradip Kumar Mondal, Advocate

Mr. Arka Mondal, Advocate

.....for the Petitioner

Mr. Chandi Charan De, Ld. A.G.P.

Mr. Soumitra Bandopadhyay, Advocate

Mr. Anirban Sarkar, Advocate

.....for the Alleged Contemnor

1. Pursuant to the Rule issued upon the alleged contemnor, he is appearing and represented by Mr. Chandi Charan De, learned Additional Government Pleader who at the very outset tendered unconditional apology for non-disposal of the matter within the specified time. Mr. De further files an affidavit as to part compliance of an order dated June 23, 2023 disclosing certain facts which are seriously disputed by the learned Advocate for the petitioner.
2. Mr. De, in his usual fairness, concededly submits that the Court should not go into the veracity and/or sanctity of such statement having been made and he assures this Court that the alleged contemnor would show alacrity to secure the disposal within a short span of time.
3. Without going into the veracity of such statement, we feel that justice would be sub-served if the matter is disposed of with promptitude. However, we notice in course of hearing that large number cases are pending in the docket of the Land Reforms Officer and in some cases; there has been considerable delay in disposal thereof. We do not find any uniform standard mechanism adopted to manage such docket and, therefore, it is the responsibility of the respective officers to manage the cases pending before them so that every litigant is

treated equally and get an equal opportunity of getting his matter expeditiously disposed of.

4. However, we leave it to the conscience of the officer to innovate a process of management for those cases, as every case has its unique fact and largely depends upon the conduct of the stakeholders as well.
5. Be that at it may, we trust and hope that the alleged contemnor would ensure timely disposal of the cases as it would avoid the docket explosion of this Court by slew of contempt applications having filed frequently alleging violation and disobedience of the orders passed by this Court.
6. The sanctity and majesty of the Court or its order cannot be flouted and/or undermined by any person, be it executive or otherwise. There must be a respect in adhering the time limit set forth by the Court for disposal of cases and it is not expected that the authority would proceed at its own whims and convenience ignoring the mandate given by the Court in this regard.
7. Since Mr. De has assured this Court that the alleged contemnor would dispose of the appeal within a reasonable time, we, therefore, do not intend to go further in the instant contempt application.
8. The alleged contemnor being the appellate authority and the petitioner are present before this Court, we, therefore, feel that a date may be fixed in their presence so that the appeal can be disposed of within a timeframe.
9. On consent of the appearing Counsel, the appeal pending before the alleged contemnor shall be taken up on Monday i.e. 24.07.2023 at 02.00 p.m.. Since the date and time is fixed in the presence of the parties or their respective Counsel, no further notice of hearing shall be given to the petitioner.
10. Learned Advocate appearing for the petitioner fairly

submits that he would participate in the hearing and will extend cooperation so that the appeal is disposed of timely.

11. We expect that the alleged contemnor shall dispose of the said appeal within fortnight from July 24, 2023 by passing a reasoned order, in accordance with law.
12. It goes without saying that the said order shall immediately be communicated to the petitioner or his Counsel, as the case may be.
13. In view of the above findings, we do not find any justification in keeping the contempt application pending. Accordingly the contempt proceedings being **WPCRC 137 of 2023** is **dropped**.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)