

17.03.2023

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CPAN 257 of 2022
in
WPA 17261 of 2021

Atasi Giri
Vs.
Shri Debashis Purkait

Mr. Debasish Ghosh
Mr. Nilanjan Adhikari
Mr. Subhajit Roy
... For the petitioner.

Mr. Rajesh Singh
... For the alleged contemnor.

Affidavit-of-service filed in Court today is taken on record.

The order dated 24th November, 2021 passed in WPA 17261 of 2021 is under contempt. The main grievance of the applicant in this contempt application is that the applicant was not granted reasonable opportunity to place her case despite there being a direction for the same. An order has been passed by the respondent in the writ petition in terms of the order dated 24th November 2021.

The said order as alleged by the petitioner has been passed without granting the petitioner a reasonable opportunity of hearing. This may be a violation of the direction given by this Court in the order dated 24th November, 2021 but the alleged contemnor cannot be held to be in violation of the order

in contempt jurisdiction as at the end an order has been passed by the authority complying with the order dated 24th November, 2021. The denial of a reasonable opportunity to place her case or violation of principle of natural justice may be a ground available to the petitioner to assail the order passed by the authority in terms of the order dated 24th November, 2021 but cannot be a ground to hold the respondents in the writ petition in contempt .

Keeping this aspect in mind, I find that no order can be made in the contempt application except by permitting the petitioner to take the points which the petitioner alleges to have been violated by the respondent while challenging the order of authority dated 14th June, 2022.

The contempt application is, thus, disposed of without any further order.

(Arindam Mukherjee, J.)