

D/L. 22 & 23
April 18, 2023.
MNS

**CPAN 288 of 2020
with
W.P.A 21481 of 2019**

Smt. Sila Roy
Vs.
Dr. Pallab Das, Chairman of Rajpur Sonarpur Municipality and
others

Mr. Nabi Chaudhury
Mr. J.P. Khan
Ms. Miru Hazra

...for the petitioner.

Mr. Mir Anuruzzman

...for the alleged contemnors.

Learned counsel for the petitioner contends that not only the alleged contemnors have violated the order of this court by not disposing of the representation of the petitioner within the time of three weeks stipulated therein, the alleged contemnors have also decided the representation much later in a cursory manner, which is not in consonance with the spirit of the order of this Court.

A perusal of the affidavits-of-compliance filed on behalf of the alleged contemnors indicates that although the alleged contemnors have decided the representation of the petitioner in one manner or the other, the said decision took place much after the stipulated time as per the order of this Court.

Be that as it may, a reasoned order has been passed now and the petitioner is also aggrieved with the said purported decision taken by the Executive Officer of the Rajpur Sonarpur Municipality annexed to the affidavits-of-compliance, which at

best furnishes a fresh cause of action to the petitioner to move an independent writ petition and/or throw a challenge before the competent authority against such decision. In so far as the delay committed in complying with the order of this Court is concerned, such sloth attitude and negligence on the part of the alleged contemnors is deprecated.

However, I do not find any reason to resort to the extreme measure of penalizing the alleged contemnors for such belated compliance of this order, either by sending the alleged contemnors to prison or by imposing fine on them.

It is expected that the alleged contemnors will be cautious in future with regard to compliance of orders of Court.

In view of the above observations, CPAN 288 of 2020 is disposed of with liberty to the petitioner to challenge the purported decision taken by the alleged contemnors pursuant to the previous order of this court by way of a fresh writ petition and/or before any appropriate authority.

This Court has not gone into the allegations made with regard to the decision taken by the alleged contemnors.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)