

Ct. 36
Item No.07
08.09.2023
(Suvendu)

CPAN 598 of 2023
In
WPA 13261 of 2022

Nimcha Coal Company Limited
Vs.
Smaraki Mahapatra & Ors.

Mr. Soumabha Ghosh
Ms. Tiana Bhattacharya
Ms. Anshumala Bansal
Ms. Prarthana Singha Roy
.....for the petitioner

Mr. Supratim Dhar
Mr. Suddhadev Adak
...for the alleged contemnor no.1

The contempt arises out of an order passed by this Court on 26th September, 2022 by which the writ petition was disposed of with a direction on the respondent no. 1 being the Secretary, Land and Land Reforms and Refugee Relief and Rehabilitation Department, Government of West Bengal to consider and dispose of the representation made by the petitioner on 30th November, 2021 by giving an opportunity of hearing to the petitioner and all other necessary parties and pass a reasoned order.

The reasoned order passed by the alleged contemnor no. 1 is before the Court. The order is dated 20th January, 2023 though wrongly

mentioned as 20th January, 2022. The date of the order was corrected in a later corrigendum. The petitioner, through learned counsel, is aggrieved since according to counsel the order takes into account only plot no. 3133 of Mouza –Benali whereas the petitioner claimed 4700 Bighas of land situated at Paschim Bardhaman under Mouza –Benali.

Learned counsel appearing for the alleged contemnor relies on a part of the order to show that the petitioner could not produce any document in support of his claim and further that the alleged contemnor no. 1 came to the finding that the plot no. 3133 was not a part of the retained land schedule and is vested land which was taken over under Section 10(2) of the West Bengal Estate Acquisition Act, 1953. Counsel also submits that this act of vesting was upheld by the Calcutta High Court as far as back as in 1969. This is also recorded in the order.

After considering the submissions made on behalf of the parties, the scope of the present contempt is restricted to whether the alleged contemnor no. 1 complied with the directions contained in the order dated 26th September, 2022 in considering and disposing of the representation made by the petitioner by giving an opportunity of

hearing to the petitioner and all other necessary parties. Since the alleged contemnor no.1 has complied with the directions passed by this Court and passed a reasoned order, any further grievance in relation to the reasoned order cannot be a continuing part of the contempt. The petitioner has to challenge the reasoned order before the Court which has determination to hear such challenge.

Nothing further remains in the contempt petition.

CPAN 598 of 2023 is accordingly disposed of in terms of the above.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)