

July 20, 2023
ARDR
(8)

CPAN 613 of 2023
In
WPA 19245 of 2021

Zakir Hossain Mandal & anr.
Vs.
Kaushik Saha

Adv. Amit Bikram Mahata
...for the applicants/petitioners.
Adv. Soumitra Bandyopadhyay,
Adv. Priyabrata Batabyal,
...for the alleged contemnor.

Report submitted on behalf of the alleged contemnor is taken on record.

It is submitted on behalf of the alleged contemnor that in the order under contempt the Executive Engineer, Irrigation and Waterways Department, Diamond Harbour Division, being the 4th respondent in the writ petition, was directed to consider and dispose of the representation submitted by the petitioners within two months from the date of receipt thereof upon giving reasonable opportunity of hearing to all the interested parties including the petitioners and the private respondents, in accordance with law.

Learned counsel for the alleged contemnor submits that at the relevant time there was no officer designated as the Executive Engineer, Irrigation and Waterways Department, Diamond Harbour Division and the Executive Engineer-II, Canals Division, 2nd floor,

Jalsampad Bhaban, Kolkata – 700 091 may be directed to comply with the said order.

In view of the above, the applicants/petitioners are granted liberty to implead the Executive Engineer Irrigation and Waterways Department, Diamond Harbour Division and the Executive Engineer-II, Canals Division, 2nd floor, Jalsampad Bhaban, Kolkata – 700 091 as respondent no.16 in the writ petition.

The cause title of the writ petition be amended accordingly.

Since the added respondent is represented, further service of notice upon the added respondent is dispensed with.

The order dated 22nd March, 2022 is modified to the extent that the petitioners shall submit a comprehensive representation before the 16th respondent within two weeks from date. The 16th respondent shall consider and dispose of the representation within two months from the date of receipt thereof upon giving reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

In view of such modification, the contempt application being CPAN 613 of 2022 is dropped.

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

(Suvra Ghosh, J.)