

27.07.2023
Sl. No.479(DL)
srm

W.P.C.R.C. No. 61 of 2023

In

W.P.A. No. 9117 of 2021

Rathin Kumar Pal & Ors.

Versus

Soma Bhattacharya

Mr. Tushi Das Roy,
Mr. Tirthankar Ray,
Ms. Alina Mondal

...for the Petitioners.

Mr. Aniruddha Tewari

...for the Alleged Contemnor.

Mr. Krishnendu Bhattacharya,
Mr. Santanu Talukdar

...for the Respondent Nos.7 to 9.

An affidavit-of-compliance has been filed which indicates that the Karimpur-II Gram Panchayat, Nadia has come to certain findings with regard to the alleged constructions, which were subject matters of the writ petition. The details of the findings have been enumerated in the minutes of a meeting dated May 13, 2023.

It is submitted that the entire issue has been sent to the Sub-Divisional Officer, Tehatta and Block Development Officer, Karimpur-I for appropriate steps in compliance of Section 23(5) of the West Bengal Panchayat Act, 1973.

Under such circumstances, the Court does not find any wilful and deliberate violation of the order passed by this Court, but there is no explanation with regard to the delay.

The alleged contemnor was functioning as Upa-Pradhan of Karimpur-II Gram Panchayat. She had a duty to ensure compliance of the order of the Court as soon as she assumed charge of Pradhan, even if she was not the elected Pradhan. Thus, cost of Rs.500/- shall be paid to the petitioners, by the alleged contemnor within two weeks, in her personal capacity, for the harassment caused to the petitioners in getting the order of this Court implemented, and for the protracted litigation.

The merits of the decision of the authority has not been gone into and the petitioners are at liberty to take appropriate steps, strictly in accordance with law.

Under such circumstances, the contempt proceeding is dropped. The rule is discharged.

Accordingly, the contempt application is disposed of.

(Shampa Sarkar, J.)