

727 18.01.2024
NB Ct. 14

CPAN 1298 of 2023
In
WPA 16697 of 2023

Ratan Kumar Das
Vs.
Shri K. Sabari Raj Kumar & Ors.

Mr. Soumyajit Mukherjee.
...for the applicant.

This is an application for contempt filed on behalf of the writ petitioner.

Learned counsel for the petitioner submits as follows. By an order dated 03.08.2023 passed by this Court in WPA 16697 of 2023, it was directed that the respondent no.7 therein shall not cause any hindrance to the construction of the boundary wall along with the periphery of the property by the petitioner. However, instead giving a no objection to such construction, the tenant/respondent no.7/alleged contemnor himself constructed an iron structure without taking permission from the landlord/petitioner.

As would be apparent from a plain reading of the order passed by this Court, the issue of whether the tenant/respondent no.7 could bring up such a structure was never under consideration in the said proceeding. No order was passed in this regard.

Therefore, no application for contempt would lie on such an act for which the applicant can at best try to raise a fresh cause of action.

Accordingly, the contempt petition is dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)