

D/L. 47 & 48  
February 13, 2023.  
MNS

C.P.A.N. 952 of 2022  
in  
W.P.A. No. 4794 of 2020

Atul Chandra Das & Ors.  
-vs.-  
Smt. Barsha Jha & Ors.

Mr. Haradhan Banerjee,  
Mr. Amitava Pain,  
Mr. P. P. Mukhopadhyay

...for the petitioners

Mr. Arijit Basu

... for the alleged contemnors.

Learned Senior Advocate appearing for the petitioners in the contempt application submits that vide the alleged reasoned order dated August 11, 2021, which has been made a part of the compliance report filed by the alleged contemnors, it has been observed that no further reasoned order is required to be issued in compliance of the order dated September 10, 1996 and that, by the said letter, the present petitioners' representation dated June 25, 2019 is also disposed of.

The learned Senior Advocate for the petitioners submits that the order dated September 10, 1996, passed in C. O. 13441(W) of 1996, does not bind the present petitioners at all. Hence, on a correct interpretation of the direction passed by this Court vide order dated April 16, 2021 passed in WPA No. 4794 of 2020, a proper consideration of the petitioners' representation ought to have been undertaken by the alleged contemnors on merits.

Learned counsel appearing for the alleged contemnors controverts such submissions and argues that, in view of the specific direction by this Court being to consider the petitioners' representation in consonance with the direction dated September 10, 1996, no further consideration was to be given to the petitioners with regard to their case.

Upon hearing learned counsel for the parties, it is seen from the order dated April 16, 2021, the contempt of which it has been alleged in the present application, that it was directed that the respondent authorities (alleged contemnors) were to act on the representation of the writ petitioners dated June 25, 2019 and to consider and decide on the petitioners' previous representations in consonance with the direction passed in C.O 13441(W) of 1996 on September 10, 1996.

As such, since there is a dispute between the present petitioners and the alleged contemnors, as raised by the communication dated August 11, 2021, to the effect whether the order passed in C. O. 13441(w) of 1996 was binding on the petitioners sufficient to challenge the order dated August 11, 2021 before an appropriate writ court, the same ought to have been decided.

Since a challenge to the same is beyond the purview of the present contempt application, it would be premature for this Court, sitting in contempt jurisdiction, to adjudicate the same.

Accordingly, CPAN 952 of 2022 is disposed of by granting liberty to the petitioners to challenge the decision of the alleged contemnors dated August 11, 2021, which is a part of the compliance report filed in connection with the present

contempt application, in an appropriate proceeding before the concerned writ court.

If such a challenge is preferred, the same will be decided on its own merits in accordance with law without being influenced in any manner by any of the observations made herein.

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.)**