

10.01.2023
Item No.09.
Court No.6.
S. De

**C.P.A.N. 1291 of 2022
in
MAT 1441 of 2019**

**Kailash Shaw & Ors.
Vs
Malay Roy.**

Mr. Ujjal Ray ...for the petitioners.

Mr. Rabindra Narayan Dutta,
Mr. Hare Krishna Halder,
 ...for the alleged contemnor.

This contempt application has been filed alleging willful violation of a judgment and order dated May 5, 2022 passed by this Bench in MAT 1441 of 2019. By the said order we affirmed an order of the learned Single Judge dated August 5, 2019.

The learned Single Judge disposed of the writ petition directing inter alia, as follows :

“..... the Administrator of the Panihati Municipality to take step under Section 218 of the said Act within six weeks from the date of communication of this order after giving an opportunity of hearing to the petitioners or their authorised representative and the private respondents or their authorised representative and thereafter communicate the decision to the parties within one week” .

In appeal we affirmed the said order with a clarification that in the event the final decision goes

against the appellants, no steps shall be taken against them by the Municipality for a period of one month from the date of final decision to enable the appellants to prefer statutory appeal, if they are so advised.

Mr. Dutta, learned counsel appearing for the alleged contemnor submits that the order dated May 5, 2022 does not specify any time limit within which the direction has to be complied with.

The learned Single Judge fixed six weeks' time limit from the date of the communication of the order for compliance. We affirmed the order of learned Single Judge. It was natural that the time period of six weeks will be operative latest from the date of the order passed by us in this appeal on May 5, 2022. However, since it has been submitted that the alleged contemnor could not comply with the said direction as there was no specific time period mentioned in the order dated May 5, 2022, we give the benefit of doubt to the alleged contemnor and direct him to comply with the order dated May 5, 2022 within a period of two months from the date of this order.

C.P.A.N. 1291 of 2022 is, accordingly, disposed of.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)