

July 20, 2023
Sl. No.109
Court No.19
s.biswas

WPCRC 97 of 2023
In
WPA 13894 of 2021

Johora Molla
vs.
Parul Mondal and another

Mr. Biswarup Biswas
... for the petitioner
Mr. Debasish Chattopadhyay
Mr. Gobinda Chandra Baidya
... for the alleged contemnor

The compliance report has been filed. Mr. Biswas, learned advocate for the petitioner is unhappy with the said decision. According to him, the Basanti Gram Panchayat had taken a contradictory stand in the order passed and the court should take cognizance of the same.

In contempt jurisdiction, the court decides whether there is any willful disobedience or violation of the order. In this case, the panchayat authorities had acted on the basis of the order, though belatedly. The order may be correct or incorrect or vitiated. The correctness of the order will not be decided in the contempt jurisdiction.

Hence, the applicant is granted liberty to challenge the order in accordance with law and raise all issues.

The court does not find any explanation as to why the delay of two years had been caused. The applicant shall be compensated. Cost of Rs.500/- for the harassment and agony caused to the applicant

shall be paid by Smt. Parul Mondal, in her personal capacity, to the applicant within two weeks from communication of this order.

The contempt application is disposed of. The rule is discharged. Contempt proceedings are dropped. This order shall be communicated to the concerned Block Development Officer and the secretary of the concerned gram panchayat by the learned Advocate for the petitioner so that the cost is paid.

Parties to act on a server copy of the order.

(Shampa Sarkar, J.)