

Item No.101

In the High Court At Calcutta
Special Jurisdiction
Appellate Side

14.12.2023
Ct-24

CPAN 613 of 2020
Ganesh Prasad Singh
v.
Bibek Kumar Johri
in
WPA 19431 of 2019
Ganesh Prasad Singh
v.
Union of India & Ors.

Mr. Lal Ratan Mondal
... for the petitioner.

Mr. Bhudeb Bhattacharyya
... for the respondents.

The petitioner alleges that the direction passed in the order dated November 7, 2019 has not been complied with. By the said order the Court directed the respondents to comply the order passed by this Court on July 17, 2003 in C.O. No. 20025(W) of 1995. The appellate authority was supposed to comply the order within a period of one month from the date of its communication and to communicate the reasoned order to the petitioner within a fortnight thereafter.

According to the petitioner the same was not done.

From the affidavit-in-opposition filed by the alleged contemnor it appears that the appellate authority disposed of the appeal preferred by the petitioner on October 1, 2003. Though, the affidavit-in-opposition mentions that the order of the appellate authority was communicated to the petitioner through registered post

and the same was received by the wife of the petitioner but the said averment is denied by the petitioner.

It has been submitted that the order allegedly passed in appeal was never communicated to the petitioner. The appeal was considered without hearing the petitioner. No opportunity was given to the petitioner to defend himself in the appeal.

The signature in the acknowledgement card which has been annexed to the affidavit-in-opposition is disputed by the petitioner. It has been submitted that the wife of the petitioner is an illiterate lady and she cannot sign.

Be that as it may, as it appears that the appellate authority already considered the appeal preferred by the petitioner and passed reasoned order, accordingly, it will be open for the petitioner to challenge the same in accordance with law, if permissible. In the contempt application the legality of the reasoned order passed by the appellate authority cannot be adjudicated.

The contempt application stands disposed of.

The duplicate affidavit-in-opposition filed by the respondent no. 3 be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)