

OD-3

ORDER SHEET

CC/84/2023

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Contempt)
ORIGINAL SIDE

KARTICK DHAR AND ANR.
Versus
SRI MANORANJAN SATHPATI AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 12th September, 2023.

Appearance:

Mr. Piyush Kanti Ray, Adv.
...for the petitioners

Mr. Somnath Ganguly, Ld. AGP
Mr. Paritosh Sinha, Ld. AOR
Mr. Arindam Mandal, Adv.
Mr. Shourya Samanta, Adv.
...for the State

Ms. Parna Roychoudhury, Adv.
...for the alleged contemnor PNB

The Court: The advocate-on-record appearing for the District Magistrate and the Superintendent of Police, Barasat Police District, North 24 Paraganas as well as learned counsel appearing for the Punjab National Bank submit that the directions passed in the last order of 6th September, 2023 have been complied with by the alleged contemnors. The Court is informed that the Bank attempted to hand over the property to the petitioner on 8th September, 2023 but that the petitioner refused to take possession of the property on the grounds mentioned in the petitioner's letter of 8th September, 2023.

The letter which is part of a supplementary affidavit filed by the petitioner acknowledges that the Bank intended to hand over physical possession of the secured asset/property but that the petitioner refused to take the same since the Bank was not in a position to remove the articles which are lying inside the property. The letter further records that the petitioner requested the Bank to hand over vacant physical possession of the secured asset.

The order in contempt which is dated 20th March, 2023 simply disposed of the writ petition by directing the District Magistrate to dispose of the pending application within two weeks from the date of communication of the order and the respondent Bank/PNB not to object to the property being handed over to the petitioner within two weeks from the date of passing of the order of the District Magistrate.

The subsequent events show that there was some delay in complying with the order passed by this Court but that the District Magistrate and the Bank have both complied with the order in terms of handing over the property/secured asset to the petitioner.

The petitioner refusing to take physical possession of the secured asset save and except in a vacant condition is not a part of the order passed by this Court. Hence, any further orders which the petitioner seeks in terms of handing over vacant possession of the secured asset cannot remain part of the contempt petition.

Nothing further remains of the contempt proceedings.

CC/84/2023 is accordingly disposed of in terms of this order.

Needless to say, the petitioner will have all remedies open to the petitioner for further orders.

(MOUSHUMI BHATTACHARYA, J.)

R.Bhar