

03.09.2024
Item No.7
gd/ssd

CPAN/353/2024
AZIZUR RAHAMAN
VS
RAJARSHI MITRA IAS THE DISTRICT MAGISTRATE
AND ADDITIONAL
COMMISSIONER FOR PERSON WITH
DISABILITIES MURSHIDABAD
IA NO: CAN/1/2024
in
FMA/227/2023
AZIZUR RAHAMN
VS
STATE OF WEST BENGAL AND ORS.

Mr. Siddhartha Banerjee,
Mr. Subrata Mukherjee,
Mr. Soumyajit Majumder
..for the Contempt Applicant.

Mr. B.B. Basu Mallick,
Mr. Sanjib Das,
Ms. Priyamvada Singh
..for the alleged Contemnor.

1. This application has been filed to recall the order passed in CPAN 353 of 2024 dated 16th April, 2024 and hear the contempt application afresh.

2. With the found hope that the authorities will comply with the direction issued in FMA 227 of 2023, we disposed of CPAN 353 of 2024 by order dated 16th April, 2024. The operative portion of the order reads as follows:

“Though the order has been communicated to the authority, namely, the District Magistrate, through the learned advocate by notice dated 5th January, 2024 which has been received in the office of the District Magistrate on 8.1.2024 as could be seen from the track report and in spite of the State Commissioner

(Disabilities), West Bengal having communicated the order to the District Magistrate by memo dated 3.10.2023 till date the order is stated to have been not complied with. Since the contempt application is disposed of without calling for affidavits the merits of the allegation are not gone into. Nonetheless the direction issued in the writ petition has to be complied with unless it is being modified or stayed by a superior Court. Considering the fact that the parliamentary election has been notified, as of now we do not propose to take any action for contempt but would direct the Additional District (General), Murshidabad to strictly comply with the order and directed 09.08.2023 on or before 5th July, 2024 and communicate the copy of the order to the applicant. In the event, the order is not complied with liberty is granted to the applicant to file an application for restoration of the contempt.”

3. The above order was passed taking into consideration that the parliamentary election were notified and also taking note of the fact that the District Administration would be assigned on various important duties.

4. We had directed the Additional District (General), Murshidabad to strictly comply with the order dated 09.08.2023 on or before 5th July, 2024, which has not been complied with. Parallely, liberty was granted to the applicant to file an application for restoration of the contempt which the applicant has done. As of till date the order has not been complied with.

5. The learned Government counsel on inspection from the respondents would submit that notice was sent to the appellant by speed post which

was refused and the staff of the office of the respondents had gone to his residence to serve notice but they were unable to do so.

6. The learned advocate for the applicant submitted that couple of days before certain people came to the applicant's residence claiming that they are government officials and vandalized the petitioner's residence and the group was accompanied by police authorities.

7. In this regard, the learned advocate for the applicant seeks leave to file supplementary affidavit duly supported photographs.

8. Leave sought for is granted.

9. The learned Government counsel appearing for the respondents submitted that he has got no instruction.

5. List the matter on 10th September, 2024.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)