

8th November,
2024
(AK)
11

WPCRC 123 of 2024
In
WPA 8592 of 2022

Rafi Ahmed Mollah
Vs.
Mr. Haquedar Ali and another

Md. Salahuddin
Md. Raziuddin
...for the petitioner.

Mr. Pritam Choudhury
...for the alleged contemnor no.1.

Mr. Malay Kumar Roy
...for the respondent nos.4 to 6.

Ms. Amrita Panja Moulick
...for the contemnor no.2.

1. Learned counsel appearing for the alleged contemnor no.1, who is the auction purchaser and bears the brunt of the allegations in the contempt application, submits that when the writ petition was taken up for hearing on May 20, 2022 and the order under contempt was passed, the alleged contemnor no.1 was under the impression that the Bank would be taking care of its interest and as such did not appear in the matter.
2. However, subsequently upon coming to know on June 13, 2022 of the order, immediately the part

demolition work which was done in respect of the property in dispute was stopped by the alleged contemnor no.1.

3. It is further submitted by learned counsel for all the alleged contemnors that the order dated May 20, 2022, in any event, expired on July 15, 2022 and was never extended thereafter by the petitioner.
4. Hence, on the date of the alleged contumacious act, the order was not subsisting and as such it cannot be said that there was any contempt of the order of this court.
5. Even from the submission of learned counsel for the petitioner, it is evident that the allegation of the petitioner is that the demolition work was done on March 17, 2024.
6. A bare perusal of the order dated May 20, 2022 passed in WPA 8592 of 2022 shows that the restraint order passed therein regarding the change of nature and character of the disputed property was to subsist till July 15, 2022 or until further order, whichever was earlier.
7. Since the order had long elapsed even prior to the date of the alleged violation and the petitioner did not care to have the same extended, it cannot be said that there was any violation of such order on the part of any of the alleged contemnors and/or

that any willful and deliberate contumacious action was undertaken by the alleged contemnors.

8. Thus, there is no scope of passing any penal orders against the alleged contemnors.
9. Accordingly, WPCRC 123 of 2024 is discharged.
10. The connected contempt application bearing CPAN 650 of 2024 stands accordingly disposed of.
11. There will be no order as to costs.
12. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)