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12.04.2024
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C.P.A.N. 653 of 2024
in
W.P.A. No. 7702 of 2024

Saiyad Ajijul Hossain @
Saiyad Azizul Hossain
Vs.
Smt. Joyoshi Das Gupta & Anr.

Mr. K.M. Hossain,
Mr. Kazi A. Ali
... for the petitioner

1. The petitioner submits that there has been a flagrant violation of the order of this Court dated March 14, 2024 passed in W.P.A. No. 7702 of 2024.

2. It is seen that by the said order, a writ petition filed by the writ petitioner therein against an order passed by the Sub-Divisional Officer for their eviction was itself dismissed, thereby affirming the order of eviction.

3. In the said order dated March 14, 2024, a rider was added to the effect that since the learned counsel for the petitioner therein had submitted that more than 60 families would be ousted overnight, which was disputed by the respondents therein, on humanitarian grounds, the authorities shall hold their hands insofar as the implementation of the orders of both the

fora are concerned for seven days from that date.

4. It was further observed that in the event the writ petitioners therein do not vacate the premises within the said period and/or obtain an order from the superior court, it will be no fetter for the respondents to implement the orders, which were impugned but sustained in the writ petition.

5. Learned counsel for the contempt applicants submits that a challenge preferred against the same was also dismissed, thereby affirming the said order.

6. It is argued that by not implementing the order of the Sub-Divisional Officer, the alleged contemnors are in contempt.

7. A careful perusal of the order of this Court dated March 14, 2024 indicates that by the said order substantially the writ petition challenging the eviction order was dismissed. As a rider, seven days' time was granted to the petitioners merely to vacate the premises. However, there was no specific direction on any authority, upon the expiry of the said seven days, to automatically evict the writ petitioners. What was observed was that there would be no fetter on the respondents therein to implement

the orders which were impugned in the writ petition.

8. Hence, it is open to the present applicant to take appropriate steps for implementation of the order of the S.D.O. and if such implementation does not happen due to any inaction on the part of the authorities, to prefer an independent writ petition complaining of such non-implementation and seeking appropriate remedy therein.

9. However, there is no wilful or deliberate violation of any positive direction of this Court to attract the contempt jurisdiction of this court in the matter.

10. Accordingly, C.P.A.N. 653 of 2024 is dismissed with liberty to the petitioners to prefer an independent writ petition challenging the perceived inaction, if any, of the alleged contemnors with regard to implementation of the eviction order passed by the S.D.O.

(Sabyasachi Bhattacharyya, J.)