

25.04.2024
Item No1
gd/ssd

CPAN/632/2023
RABINDRA NATH MIDYA
VS
DEBASISH DHALI, REVENUE OFFICER KHEJURI-II
IN
WPLRT/83/2019
RABINDRANATH MIDYA @ RABINDRA NATH MIDYA
VS
STATE OF WEST BENGAL & ORS.

Mr. Binoy Kumar Das
..for the Petitioner.

Md. T.M. Siddiqui,
Ms. Amrita Panja Mallick
..for the alleged Contemnor.

In the contempt application allegation is violation of the order dated 1st August, 2019 passed by a coordinate Bench on the writ petition being WPLRT 83 of 2019.

Vide the said order dated 1st August, 2019 the connected writ petition was disposed of by granting liberty to the petitioner to apply for mutation in accordance with the terms as delineated in the order dated 1st August, 2019. It is also directed in the order dated 1st August, 2019 that if the application is received from the applicant by the concerned BL&LRO, he shall proceed to consider and dispose of the same upon granting opportunity of hearing to all the interested parties within a period of three months from the date of receipt of the order.

Today Mr. Siddiqui, learned government counsel files an affidavit of compliance affirmed on 01.02.2024 enclosing the order of Block Land and Land Reforms Officer, Khejuri-II dated 15.01.2024 whereby claim of the petitioner as lodged by making application has been spurned.

According to the alleged contemnor, the order passed by the coordinate Bench on 1st August, 2019 stood complied with in view of taking decision as contained in the order dated 15.01.2024.

However, on consideration of the entire gamut of the issue it appears that the coordinate Bench by order dated 1st August, 2019 directed the alleged contemnor to take decision within a period of three months from the date of receipt of the copy of the order.

On query made to learned advocate representing the alleged contemnor, our attention has been drawn to paragraph 8 of the affidavit of compliance wherein the alleged contemnor has made an attempt to explain the delay.

Considering the huge time gap in between the order passed by the coordinate Bench on 1st August, 2019 and the compliance being made by passing order dated 15.01.2024, we are not fully satisfied regarding the explanation offered in support of the delay caused in passing order.

However, since an order has been passed, we accept the explanation with sound of caution that such things should not recur in future.

With the above observation, the contempt application stands disposed of and the contempt proceeding stands dropped.

However, this order shall not preclude the applicant to take steps in accordance with law against the order passed by the Block Land and Land Reforms Officer, Khejuri-II dated 15.01.2024.

(HIRANMAY BHATTACHARYYA, J.)

(SAUGATA BHATTACHARYYA, J.)