

10.05.2024
Court No. 15
Item No. 01
(Suvendu)

WPCRC 26 of 2024
IN
W.P.A. 319 of 2018

Nurul Amin Gayen
-Versus-
Mithu Patihar & Anr.

Ms. Pampa Dey (Dhabal)
..... for the applicant

Mr. Ayan Banerjee
Mr. Dhiman Banerjee
.....for the alleged contemnor no.2

Mr. Nilotpall Chatterjee
...for the District Magistrate, Bankura

The contempt application is heard at length
in presence of the learned advocates
representing the applicant, concerned Panchayat
Pradhan and the District Magistrate, Bankura.

During course of hearing, an order passed
by a Coordinate Bench on 22nd June, 2022 in a
writ petition being WPA 4809 of 2020 preferred
by the contempt applicant has been placed
before this Court and the same is taken on
record.

By the said order, the concerned Sub-
Divisional Officer was directed to make all
endeavors to conclude the proceeding within a
specified time.

It has been submitted on behalf of the parties that till date no order has been passed by the Sub-Divisional Officer in terms of the order dated 22nd June, 2022.

In the present contempt application, this Court is examining whether there is willful and deliberate violation on the part of the alleged contemnors in complying with the order dated 11th February, 2020 passed by another Coordinate Bench in the connected writ petition being WPA 319 of 2018. The said writ petition was also preferred by the contempt applicant.

In terms of the order dated 11th February, 2020, based on the order passed by the concerned Sub-Divisional Officer on 9th October, 2020 whether the concerned Gram Panchayat is required to take steps in terms of Section 23(6) of the West Bengal Panchayat Act, 1973 or not is the salient consideration in order to find out act of violation on the part of the alleged contemnors.

In the event it is found that the Pradhan of the concerned Gram Panchayat has not initiated proceeding in terms of Section 23(6) of the West Bengal Panchayat Act, 1973 that cannot be construed as willful and deliberate violation of the order dated 11th February, 2020 since by the

subsequent order dated 22nd June, 2022 passed by another Coordinate Bench there was a further direction upon the Concerned Sub-Divisional Officer to conclude the proceeding within certain time and according to the parties till date such proceeding has not been concluded.

In view of aforesaid facts and the order passed by the Coordinate Bench on 22nd June, 2022, the present contempt application stands dismissed and the contempt proceeding stands dropped.

However, after the proceeding is concluded by the concerned Sub-Divisional Officer in terms of the order dated 22nd June, 2022 the outcome of the proceeding may be challenged by the present contempt applicant, if so advised.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)