

16 20.08.2024
AN Ct. No. 01

CPAN 1236 of 2024
Md. Azizur Rahaman & anr.
Vs.
Shri Nitin Singhania
in
WPA(P) 102 of 2023

Md. Yusuf Ali

... For the applicant

1. This contempt application has been filed alleging willful disobedience of the order and directions passed on 01.08.2023 in WPA(P) 102 of 2023.

2. By the said order, the writ petition filed by the applicant as a Public Interest Litigation was disposed of with the following directions:

“5. Nevertheless, this court will take note of the submission made by the learned advocate for the petitioners that in the near vicinity there is no government hospital or private health centre providing health care facility for the public and, therefore, the State should intervene and prevail upon the 12th respondent not to disband the medical facility which have been established by them. At best, the attempt of the 3rd respondent, namely, the District Magistrate, Malda can only be recommendatory and the 12th respondent cannot be compelled to keep the facility in operation.

6. In any event, since a representation is pending before the District Magistrate, we direct the District Magistrate to consider the representation submitted by the petitioners on 13th September, 2022 and pass appropriate orders on merits and in accordance with law.

7. In order to facilitate the compliance of this direction, the petitioners are directed to forward a copy of the representation along with the copy of this order and submit the same in the office of the District Magistrate, Malda.”

3. In terms of the directions contained in paragraph 7 hereinabove, the applicant has forwarded a copy of the representation and the copy of the order passed in the writ petition to the learned District Magistrate by registered post on 24.01.2024 and tracking information shows that the item was delivered in the Office of the learned District Magistrate on 27.01.2024. In the order passed in the writ petition, no time limit was fixed, nonetheless, the authorities should take action within a reasonable time.

4. Therefore, we direct the District Magistrate to comply with the order and directions passed in the writ petition within a period of two months from the date of receipt of the server copy of this order.

5. In the result, the contempt application stands **disposed of.**

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)