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15.03.2024
Ct. No. 15
adeb

CPAN 1073 of 2017
In
W.P.A. 13710 of 2016

Md. Daud (since deceased)
Akhtari Begum & Anr.
Vs.
Sri Abhijit Bhattacharyay

Mr. Sambhunath De
Mr. Ranjit Kumar Ghosh

.... For the Applicant/Petitioner

Mr. Chandi Charan De
Mr. B. Batabyal

...for the alleged contemnor

The contempt application is taken up for consideration in presence of the learned advocates representing the applicants and alleged contemnor.

In the contempt application applicants allege violation of the order dated 19th September, 2016 passed by the coordinate Bench on the connected writ petition.

It has been submitted by the learned advocate representing the applicants that an order has been passed by the competent authority in consideration of the representation on 22nd November, 2016 in terms of the direction as contained in the order dated 19th September, 2016, but the enhanced compensation amount as determined by the competent authority till date has not been paid to the applicants. Therefore, according to the applicants there is violation of the order

passed by the coordinate Bench on 19th September, 2016.

Mr. Chandi Charan De, learned Additional Government Pleader files affidavit of compliance today and the same is taken on record. In paragraph 5 of the said affidavit of compliance it has been spelt out that a notice was issued on 24th October, 2016 and date of hearing was fixed on 22nd November, 2016 to pass order pursuant to the order dated 19th September, 2016. It has been submitted by Mr. De that though the copy of the order has not been annexed to this affidavit, but order has already been passed by the competent authority in terms of the order of the coordinate Bench dated 19th September, 2016.

This Court has heard the learned advocates representing the parties and also perused the relevant materials available on record including order passed by the competent authority on 22nd November, 2016.

It has been decided by the competent authority since one structure got missing the compensation in connection with the said structure was determined vide order dated 22nd November, 2016 and the competent authority is awaiting fund to be placed by the concerned authority of NHAI for disbursement in favour of the applicants. It appears from the said order dated 22nd November, 2016 that the fund was not

contemporaneously allotted for releasing the amount in favour of the applicants.

In view of the order dated 22nd November, 2016 the order passed by the coordinate Bench on 19th September, 2016 stands complied with. Therefore, the contempt application stands disposed of and the contempt proceeding stands dropped.

However, this order shall not preclude the applicants to take steps in accordance with law for payment of enhanced amount as determined by the competent authority vide order dated 22nd November, 2016 if the same is not paid.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)