

13.08.2024
sayandeep
Sl. No. 51
Ct. No. 08

CPAN 1384 of 2023
in
WPLRT 153 of 2022

Swapan Jana & ors.
Vs.
Shri Nirmalya Ghosh & anr.

Mr. Prabir Maji
..... for the applicants
Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha
... for the State

The writ petition assailing the order of the Tribunal was dismissed by this Court on 14.11.2022. The Tribunal disposed of the proceeding initiated before it directing the petitioners to file B-form before the competent authority within the stipulated time. The writ petition was filed alleging that the B-form was already submitted by the predecessor-in-interest and there was no steps taken by the authorities.

On the basis of the aforesaid facts, this Court does not find any infirmity and/or illegality in the order of the Tribunal with categorical observation whether any right has accrued to the petitioners in filing the B-form, shall be dealt with by the authority in accordance with law. Obviously, the said observation was made because of the nature of the order passed by the Tribunal permitting the petitioner to file B-form before the competent authority within the time limit. Such observation cannot be said to be a direction upon the authorities for which the violation can be alleged. The

writ petition was ultimately dismissed meaning thereby the Court refused to interfere with the order passed by the Tribunal.

Any observations which led to an ultimate order to be passed cannot be said to be a direction upon the authorities for which the contempt application would lie before the high Court. The moment, the higher forum affirmed the order of the forum having original jurisdiction, any violation if alleged to have been committed can be taken care of by the said forum having original jurisdiction and not before the higher forum. It is disclosed that a decision has been taken but not in a true spirit which, in our opinion, may give rise to fresh cause of action for which the contempt jurisdiction cannot be invoked.

The contempt application is dismissed.

However, it is open to the petitioners to assail the order if they feel aggrieved thereby before the appropriate forum in accordance with law.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)