

14.11.2024

sayandeep

Sl. No. 09

Ct. No. 08

CPAN 1340 of 2022

Dhiman Singh & ors.

Vs.

Uday Sankar Bhattacharjee

Mr. Ashis Kr. Paul

... for the applicants/petitioners

Mr. T.M. Siddiqui

Mr. Mrinal Kanti Ghosh

..... for the alleged contemnor

The contempt application is taken out alleging willful and deliberate violation of an order dated 08.06.2022 passed by us directing the BL&LRO to consider the application dated October 5, 2018 filed by the petitioners and dispose it of within four weeks from the date of the communication of this order, after affording an opportunity of hearing to all interested persons, in accordance with law.

It is averred in the instant contempt application that despite the communication of the said order, no decision has been taken on the basis of the said application and, therefore, the alleged contemnor has exposed himself liable to be punished under the Contempt of Courts Act.

However, the counsel appearing for the alleged contemnor submits that the compliance has been made within the time as limited therein and the application filed by the petitioners which was directed to be disposed of has in fact been disposed of. The counsel for the alleged contemnor hands-over the brief report received by him from the Additional District Magistrate

and District Land and Land Reforms Officer, Paschim Bardhaman dated 14.11.2024 containing the order-sheet of the proceeding initiated in terms of the order passed by this Court. It appears therefrom that immediately after communication of the said order, the proceeding was initiated on 08.07.2022 and the notices were also issued upon the parties and the same was finally disposed of on 26.07.2022. The said order reveals that the order was passed on the said day in presence of the parties after considering the oral depositions and the documents so relied upon.

The contempt jurisdiction cannot be extended for deciding a fresh cause. The moment, this Court finds that compliance has been made; whether the order is in tune with the expectation of the party or not, gives rise to a fresh cause of action amenable to be challenged before the appropriate forum. We, thus, do not find any justification in continuing with the instant contempt application.

The contempt application is, thus, dismissed.

Since the copy of the communication containing the order-sheet is handed-over to the counsel for the appellant in open court, it is open to the petitioners to challenge the said order, if they so advised, before the appropriate forum in accordance with law.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)