

05.12.2024
Sl. No.1
s.biswas

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CPAN 80 of 2024
in
WPA 879 of 2024

Sri Goutam Paul @ Gotam Paul
vs.
Smt. Tshering Y Bhutia

Mr. Bapi Sarkar
Mr. Chayan Moni Bhowal
... for the applicant
Mr. Deborshi Dhar
... for the alleged contemnor

1. The court is dissatisfied with the mode and manner in which the order has been passed by the alleged contemnor on December 5, 2024, in the absence of the writ petitioner. The order of this court has been violated.
2. On the undertaking of Mr. Dhar, learned advocate for the alleged contemnor that the contemnor should be given an opportunity to purge the contempt, the court deems it prudent to set aside the order dated December 5, 2024 with a direction upon the alleged contemnor to comply with the order dated June 12, 2024 in its letter and spirit.
3. This court observes that the inspection held indicates that there has been change of user of not only the parking lot, but also the third and fourth floor of the building. The parties shall be

given a fresh notice. The notice will also be pasted on the alleged construction and the hearing should be held within four weeks from date. Both the parties shall be present for a fresh round of inspection. The inspection shall be held within two weeks.

4. As this court doubts the mode and manner in which the notice was served upon the petitioner, this court deems it fit to direct that notice should be issued to the petitioner and the person responsible for the construction, when they shall visit the office of the contemnor on December 10, 2024 at 11:30 a.m. The date of inspection and the date of hearing should be mentioned in the notice. This order shall be informed to the person responsible for the construction by the petitioner as also by the alleged contemnor.
5. Accordingly, contempt proceeding is dropped and the contempt application stands disposed of.

(Shampa Sarkar, J.)