

In the High Court at Calcutta

Special Civil Jurisdiction

Appellate Side

Contempt

07 14.11.2025

Sc Ct. no.38

Case No. :

CPAN 443 OF 2025

arising out of

WPA 12106 OF 2024

In the matter of : Smt. Swapna Roychowdhury & Ors.

.... Petitioners

VS.

Mr. Shyamalendu Mondal,

Deputy Controller (R) Kolkata,

District Refugee Relief and Rehabilitation Office,

Karigori Bhawan, 1st Floor, B-7, Action Area-III,

New Town, Rajarhat, Kolkata – 700 160

.... alleged Contemnor

For the Petitioner:

Mr. S. P. Mukherjee

Mr. Shuvajit Bose.

....Advocates

For the alleged Contemnor:

Mr. Chandi Charan De, Ld. AGP

Mr. Anirban Sarkar.

....Advocates

Mr. S. P. Mukherjee, learned Senior Counsel
appears for the petitioners.

Mr. Chandi Charan De, learned Additional
Government Pleader appears for the alleged contemnor.

On the prayer of Mr. S. P. Mukherjee, learned
Senior Counsel appearing for the petitioners time to file
exception to the compliance report stands extended till
today. The exception filed in the form of affidavit is taken
on record.

The order dated **November 5, 2024** wherefrom the
instant contempt proceeding has arisen has directed the
respondent no.4 in the writ petition, contemnor herein, to

communicate the reasoned order to the petitioners within the timeframe mentioned in the order. It was also directed in the order, if the reasoned order goes in favour of the petitioners then, the alleged contemnor and/or any other appropriate State authority to take steps to implement the same.

The compliance report by way of an affidavit affirmed on August 6, 2025 by the alleged contemnor contains the reasoned order dated **July 30, 2025**. After a long discussion the authority came to a finding that, as there are family disputes amongst the alleged co-sharers of the property, freehold Title Deed could not be executed.

Mr. S. P. Mukherjee, learned Senior Counsel appearing for the petitioners relying upon the case made out in the exception, filed by the petitioners, submits that there is no family dispute at all and the authority is simply avoiding to issue the freehold Title Deed. This is the contempt, according to the petitioners.

After considering the rival contentions of the parties and upon perusal of the materials on record this Court is of the view that, while adjudicating a proceeding under contempt jurisdiction the Court cannot test the quality or correctness of the reasoned order as in the facts of this case. The contempt court cannot probe into the mental process of the authority when it passed the reasoned order, it will only consider whether the direction of the Court is complied with in its true spirit and effect or not.

On a plain reading of the impugned order dated **July 30, 2025** this Court is of the firm view that, it cannot assess its quality or correctness which is questioned by the petitioners.

In view of the foregoing discussions and reasons this Court holds there is no contempt on the part of the alleged contemnor.

Accordingly, **CPAN 443 of 2025** stands **dropped** and **closed**.

The application, **CPAN 443 of 2025** stands **dismissed** without any order as to costs.

However, this order shall not preclude the petitioners to take steps in accordance with law, if they are aggrieved by the said reasoned order.

(Aniruddha Roy, J.)