

28.04.2025
Court No.13
Item No.21
AP/pk

MAT 378 of 2025
With
CAN 1 of 2025
Anuradha Gain
Vs.

Smt. Shipra Mitra and Ors.

Mr. Ayan Banerjee
Ms. Debjani Sengupta
Mr. Dhiman Banerjee
Ms. Paulomi Ghosh

...For the Appellant.

Mr. Tapan Kumar Rakshit
Mr. Surajit Roy

...For the Respondent No.1.

Ms. Shebatee Datta
Ms. Poulami Roy

...For the Respondent No.6.

1. This appeal is directed against an order dated 7th March, 2025 passed by a Single Bench of this Court in CPAN 1945 of 2024. By the impugned order the Court recorded that the contemnor was not present despite repeated notice. The Court went on thereafter to penalize the contemnor. The penalty was that the contemnor Pradhan shall not take any further step or steps or to act and discharge the duties of Pradhan of the Gram Panchayat until further orders of this Court. The jurisdictional S.D.O. was directed to act as Special Officer of the Court to take charge of the duties and the responsibilities of the Pradhan.

2. Admittedly, no formal rule has been issued to the Pradhan under CPAN 1945 of 2024.

3. Counsel for the appellant Pradhan has submitted that a subsequent event has occurred in the contempt

proceeding whereby the Pradhan appeared and undertook to comply with the directions of the Court. The order dated 7th March, 2024 was partially modified to permit such compliance.

4. The question of law raised by the appellant is that under the provisions of Section 12 of the Contempt of Court Act, 1971, a Court can either impose fine or order imprisonment. The impugned order suspended the powers of the Pradhan which to act as such and directed the SDO to take over the responsibilities and duties of the Pradhan according to the counsel for the petitioner is outside the purview of Section 12 of the Act of 1971.

5. A similar issue is pending consideration before the Hon'ble Supreme Court in respect of orders passed by one of us (Rajasekhar Mantha, J.) sitting singly. In the said case the issue was whether the Court sitting in contempt jurisdiction could suspend the licence of a medical Doctor for refusing to comply with an order of demolition of an illegal construction made to a nursing home in Siliguri. The order of this Court has been stayed by the Hon'ble Supreme Court.

6. In view of the above, this Court is inclined to stay the impugned order to the extent that it has suspended the powers and duties to be discharged by the appellant/Pradhan. The order transferring the responsibility of the Pradhan to the SDO concerned shall

also be stayed. Since the Prodhan has entered appearance in the contempt petition, formal drawing up and service of the rule may be dispensed with by the Single Bench.

7. The Single Bench shall proceed to deal with the contempt petition in accordance with law as it deems fit and necessary.

8. With the aforesaid directions, MAT 378 2025 is disposed of. In view of the disposal of the appeal itself, connected pending application, is also, disposed of.

9. The amended memorandum of appeal is taken on record.

10. It is submitted by the counsel for the private respondent in the writ petition and in this proceeding that her client, namely, Sri Subal Mojumdar/respondent no. 6 has died. Let the name of Sri Subal Mojumdar be deleted from the records since he is not a contemnor in the proceeding impugned.

11. There shall be no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)