

01 22.01.2025
NB Ct. 17

CPAN 1222 of 2024

In

WPA 26121 of 2023

Sk. Habibullah
Vs.
Alok Rajoria & Ors.

Mr. Nikhil Kumar Gupta.
...for the petitioner.

Mr. Biswabrata Basu Mallick Id.AGP.,
Mr. Sayan Ganguly.
...for the alleged contemnor nos.1-3

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. Pursuant to an order passed by this Court on 27.12.2023, the petitioner's aged and ailing mother was shifted to a room in the second floor with police help. But, within an hour or so, the private respondents again threw her out and she had to take refuge to a small room by the staircase at the ground floor. Even thereafter, the private respondents have harassed and assaulted the grandmother and father of the petitioner on several occasions. The police did nothing, despite complaints.

Learned counsel appearing on behalf of the alleged contemnors denies the allegations and relies on the report and submits as follows. Pursuant to an order passed by this Court on 27.12.2023, the petitioner's grandmother was shifted to a room at the second floor of the said building by the police authorities. But, she did not agree to stay there on the ground that she could not move there freely. There was one toilet cum

privies situated at the courtyard of the said building in the ground floor. The petitioner's grandmother was facing great difficulty in using the said toilet from the second floor of the building due to her old age. As such, she herself and willingly shifted to a place beside the staircase on the ground floor, which was not accepted by her son, Sk. Habibullah. In order to keep a vigil as per the Court's order, on several occasions, the police personnel visited the place. They have recorded several GD entries to that effect starting on 16.11.2024 till 24.11.2024, as per the report dated 25.11.2024.

In view of the above, it does not appear that the respondent authorities committed any contempt of Court.

Therefore, the application for contempt is dismissed, however, without any order as to costs.

The police authorities shall continue to comply with the order passed by this Court.

If there is any further cause of action, the petitioner shall be at liberty to ventilate his grievances before the appropriate forum.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)