

22.05.2025
Sl. 48
AMR
Ct.No.-655

WPCRC 29 of 2025
IN
WPA 15107 of 2023

Madan Patra
Vs.
Kabita Bagra @ Chhobi Bagra (the
Pradhan) Narajole Gram Panchayat

Md. Sarwar Jahan
Mr. Sayantan Hazra

....for the Petitioner

Mr. Pabitra Biswas

...for the alleged Contemnor

1. The alleged contemnor/Pradhan, Narjole Gram Panchayat is represented by her learned Advocate.
2. Learned Advocate for the petitioner is present.
3. Affidavit in reply filed on behalf of the alleged contemnor against the affidavit in exception to affidavit in compliance is filed before this Court. Let it be taken on record.
4. A writ petition was filed by the petitioner alleging that he made representation before the alleged contemnor regarding the issue of alleged illegal construction over the premises in question. The said writ petition filed by the petitioner was disposed of by

this Court giving direction upon this alleged contemnor to dispose the representation made by the petitioner after giving opportunity of being heard to the respective parties within the time frame as indicated in the said order. It is said by the writ petitioner that although the order passed by this Court was duly communicated to the alleged contemnor she deliberately flouted the said direction. Thereafter an application with a prayer for contempt has been taken out at the behest of the petitioner. The notice of the said contempt case was duly served upon the alleged contemnor, despite receiving the notice she did not venture to appear before this Court and as such rule was issued against her which was duly effected upon the alleged contemnor. The alleged contemnor was reluctant to appear before this Court and as such direction was given upon the concerned police station to secure her presence before this Court.

5. Ultimately, the alleged contemnor appeared before this Court and affidavit of compliance has been filed.

6. The learned Advocate for the petitioner submitted that no opportunity of being heard was given to him and the order was passed by the alleged contemnor in his absence and as such it cannot be said

that she complied the direction as passed by this Court.

7. It is the specific contention of the learned Advocate for the petitioner that no opportunity of being heard was given by the alleged contemnor despite the direction passed by the Court in the order. The spot inspection was done by the alleged contemnor in absence of the petitioner.

8. At the time of hearing the attention of this Court is drawn by the learned Advocate representing the alleged contemnor to the page nos. 9 and 11 which are annexed with the present affidavit in reply filed today. It is said that it would appear from page no. 9 of the affidavit in reply that there is signature of this writ petitioner in serial no. 19. It further appears from the affidavit in reply that the order was passed by the alleged contemnor in presence of the writ petitioner and the spot inspection was done in his presence. So, the contention as made by the learned Advocate for the petitioner is not sustainable.

9. In fact contempt is a matter between the court and the alleged contemnor. Any person who moves the machinery of court for contempt only brings to the notice of the Court certain facts constituting contempt of Court. After furnishing such an information, he may

still assist to the Court but it always be borne in the mind that in a contempt proceedings, there are only two parties namely court and the contemnor. Thus the contempt of Court is not in strict sense a cause or matter between the parties inter-se but the matter between the court and the contemnor and as such the same cannot be at the discretion or benefit of the parties.

10. Since the order has been duly complied with, therefore this Court does not feel that there is any justification in keeping the contempt application alive.

11. Accordingly, the contempt application being no. WPCRC 29 of 2025 is **dismissed** but no order as to costs.

(Prasenjit Biswas, J.)