

16.05.2025
Court No.23
DL/Item No.-5
[Milan, A.R. (Ct.)]

**IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction
Appellate Side**

CPAN 2002 of 2024

**Sujata Roy
versus
Rachana Bhakta, Director of ICDS Project**

**In
WPA 2947 of 2024**

Mr. Priyabrata Batabyal

....for the Applicant/Petitioner

Mr. Sish Kumar Guha,
Mr. Rajendra Chaturvedi

....for the alleged contemnor

The order under contempt being dated 27th June, 2024 passed in WPA 2947 of 2024 directed the respondent no.2 to pass a reasoned order after affording the writ petitioner adequate opportunity of hearing.

The operative portion of the order dated 27th June, 2024 is set out for convenience:-

In the aforesaid facts and circumstances, I think justice will be subserved if I direct the respondent no. 2 to dispose of the petitioner's application dated 5th April, 2023 by a reasoned order, if necessary, by giving the petitioner an opportunity of personal hearing within a period of two months from date. Since the respondent no. 2 is represented by an Advocate at the time of passing of this order no

further communication of this order is necessary. However, by way of abundant caution the petitioner may serve a server copy of this order along with a copy of the writ petition to the respondent no. 2 within a fortnight from date. The respondent no. 2 shall deal with all the issues that may surface while considering the petitioner's application independently and without being influenced by any observation made in this order. It is also clarified that this Court has not gone into the merit of the case. Immediately, upon the order being made the same shall be communicated to the petitioner. Nothing further remains to be adjudicated in this application. The writ petition is accordingly disposed of.

Hearing of the matter for passing the reasoned order was made by the respondent no.2 as appears from the reasoned order appears to have been taken place on 22nd August, 2024. However, the reasoned order does not bear any date beneath signature of the respondent no.2 and as such it cannot be said to have been passed on 22nd August, 2024. The said reasoned order was dispatched under a Memo dated 2nd December, 2024. At the time of hearing of the contempt application, the reasoned order was placed before this Court and a copy thereof was made over to the learned advocate for the petitioner.

By an order dated 11th April, 2025, this Court had sought for an explanation from the respondent no.2 as to the reasons for not serving the reasoned order immediately upon the same being passed as directed by

the order dated 27th June, 2024 being the order under contempt. An affidavit explaining the reasons of delay is filed by the alleged contemnor being the respondent no.2 in the writ petition, which is taken on record. Although, the explanation given in the affidavit is unsatisfactory that the alleged contemnor (respondent no.2 in the writ petition) is not further proceeded with except giving him a word of caution so that similar mistake or delay does not take place in future when there is a specific direction from the Court.

Since the reasoned order has been passed, it cannot be said that the alleged contemnor has violated the order to hold him liable for contempt in exercise of contempt jurisdiction. I am also precluded from looking into the merits of the reasoned order while exercising contempt jurisdiction.

In such circumstances, the petitioner is granted liberty to challenge the said reasoned order for filing appropriate proceedings. For the purpose of limitation, if any, for the purpose of filing appropriate proceedings the time shall be reckoned to commence from this date.

The contempt application being CPAN 2002 of 2024 is accordingly disposed of.

(Arindam Mukherjee, J.)