

D/L
Item No. 1
28.04.2025
KOLE

**CPAN 2066 of 2024
In
MAT 1556 of 2024**

**Kanika Biswas
-Vs.-
Bishnu Das, SDO Chandannagar & Anr.**

*Mr. Kaustav Banerjee,
Ms. R. Kundu,*

...for the petitioner.

The petitioner herein i.e., the original writ petitioner, preferred the present contempt application alleging that the respondents herein have willfully disobeyed the order dated 19.08.2024 passed by this Court in MAT 1556 of 2024 and hence have committed contempt of court.

In MAT 1556 of 2024, the order dated 02.08.2024 passed by a Hon'ble Single Judge of this Court in WPA 326 of 2015 was under challenge. By the said order dated 02.08.2024, the Hon'ble Single Judge was pleased to dispose of the writ petition *inter alia* with the following directions:-

“20. This Court in exercise of its plenary power thus directs the SDO Chandannagar, District Hooghly to initiate an appropriate proceeding under Section 23(5) of the West Bengal Panchayat Act, 1973 within a week from the date of communication of this order against the private respondent nos. 10 and 11 for illegal construction of a four storied residential cum commercial building over plot no. 342, Khatiyon no. 831, LR Khatiyon no. 3153 and 3154 Mauja Jalaghata, JL 79 P.S Singur, District Hooghly.

21. Both the writ petitioner and the private respondent nos. 10 and 11 are directed to appear before the SDO Chandannagar, District Hooghly positively on August 09, 2024 at 12 o'clock noon along with a server

copy of this judgment and the SDO, Chandannagar is directed to act on the server copy of this order.

22. The SDO, Chandannagar, District Hooghly is further directed to give an opportunity of hearing to the petitioner and the private respondent nos. 10 and 11 and/or their learned Advocates and upon hearing shall pass a reasoned order positively within August 31, 2024.

23. The writ petitioner and the private respondent nos. 10 and 11 are directed to submit their email account details with the SDO, Chandannagar, District Hooghly on the first day of their appearance before the SDO, Chandannagar, District Hooghly. The SDO, Chandannagar, District Hooghly is directed to communicate the reasoned order to the writ petitioner as well as to the private respondent nos. 10 and 11 through email.

24. It is also made clear that the time limit as fixed by this Court is mandatorily to be observed both by the writ petitioner and the private respondent nos. 10 and 11 as well as by the SDO, Chandannagar, District Hooghly.”

Being aggrieved by the said order of the Hon’ble Single Judge, the appellant (original respondent nos. 10 and 11) preferred MAT 1556 of 2024. The Division Bench vide order dated 19.08.2024 dismissed the said appeal upholding the order dated 02.08.2024 passed by the Hon’ble Single Judge.

It is submitted by the learned Advocate for the petitioner that contrary to the specific direction of this Court, the respondent failed to conclude the proceedings by 30th September 2024. It is further contended by the Advocate for the petitioner that as per the direction of this Court, the hearing was to be conducted by the respondent no. 1 (SDO).

However, contrary to the said specific direction passed by this Court, the respondent no. 1 by order dated 09.09.2024 forwarded the matter to Zilla Parishad for appropriate action and now the respondent no. 2 (Zilla Parishad) is examining the said issue. It is submitted by learned Advocate for the petitioner that the respondent has willfully acted in violation of the specific direction of this Court and has thereby, committed contempt of court.

Learned Advocate for the petitioner further states that he has challenged the order dated 09.09.2024, passed by the SDO, Chandannagar by way of a separate writ petition which is presently pending adjudication.

This court has heard the submission advanced by learned Advocate for the petitioner and examined the documents placed on record.

Upon perusal of the record, it appears that in compliance with the direction passed by this Court, the SDO, Chandannagar, had initiated the proceedings within the stipulated time. However, in view of Section 160A(6) of the West Bengal Panchayat Act, 1973, the SDO was of the opinion that the Zilla Parishad is the appropriate Authority to deal with the matter. Accordingly, by order dated 09.09.2024, the SDO referred the matter to the Zilla Parishad. Consequently, the Zilla Parishad is presently examining the said matter.

It is always been the intention of this court to ensure that the issue under consideration is adjudicated by the

Competent Authority in accordance with law, be it Respondent No. 1 or Respondent No.2.

Although the respondents could not finalize the proceedings within the stipulated period, this Court is of the considered view that the delay was not intentional and therefore, does not amount to willful disobedience. Furthermore, the respondent no. 1 (SDO) referred the matter to the respondent no. 2 (Zilla Parishad) by way of a detailed order dated 09.09.2024, which the petitioner has challenged by filing a separate writ petition.

In view thereof, this Court is of the considered view that no case of contempt is made out against the respondent no.1.

In view of the above, the contempt application being CPAN 2066 of 2024 is, thus, dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Gaurang Kanth, J.)

(Partha Sarathi Chatterjee, J.)