

OD-4

CC/72/2024

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Contempt)
ORIGINAL SIDE

MD. SABIR
Vs.
SOMENATH BORAL

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE APURBA SINHA RAY
Date : 25th April, 2025.

Appearance:
Mr. Arindam Paul, Adv.
...for the petitioner

Mr. Aloke Kr. Ghosh, Adv.
Mr. Dilip Kr. Chatterjee, Adv.
..for the alleged contemnor

The Court : Read order dated December 19, 2024.

We see that a reasoned order dated December 12, 2024 has been passed by the concerned Special Officer (Building). Copies of such order were filed in Court on the last occasion and they are on record. Copies of the order were made over to learned Advocate for the petitioner as recorded in our order dated December 19, 2024. On that date the petitioner's counsel sought adjournment to obtain instructions.

Today, it is submitted on behalf of the petitioner that no notice of hearing was issued to the petitioner before the order was passed by the Special Officer (Building).

Learned Senior Counsel representing the alleged contemnor says that notice was issued to the petitioner at the recorded address but the same was returned by the postal department.

We are not inclined to enter into these factual disputes. Rightly or wrongly, a reasoned order has been passed. The petitioner will be at liberty to challenge the said order before the appropriate forum, in accordance with law.

It will be open to the petitioner in such proceeding to urge all points including the point of breach of principles of natural justice since the petitioner contends that the order was passed without granting an opportunity of hearing to him.

CC/72/2024 stands disposed of.

(ARIJIT BANERJEE, J.)

(APURBA SINHA RAY, J.)

bp.