

3.11.2017
pb
Ct. No. 9

CPAN No.023 of 2017
In
W. P. 491 of 2016

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION
CIRCUIT BENCH AT PORT BLAIR

Mr. Ananda Halder.

.....for the petitioner no.1
(in person)

Mr. Sasi Kumar.

.....For the petitioner no.2

Mr. S. K. Mandal,

Mr. S. C. Mishra.

.....for the contemnor

One Ananda Halder, the petitioner in person has taken out the contempt application praying for issuance of the contempt rule against Udit Prakash Rai, the Deputy Commissioner, South Andaman District/respondent no.1 in the writ petition No.491 of 2016.

The petitioner submits that the contemnor has intentionally violated the direction given by this Court on January 10, 2017 in connection with W.P. No.491 of 2016. It appears from the said order that this Court directed the contemnor to give instruction to the

Tehsildar, Port Blair Tehsil for sub-dividing the land measuring 178 sq.ft. under Survey No.1184 situated at Junglighat Village under Port Blair Tehsil, South Andaman District within a period of two weeks from the date of communication of the order. The grievance of the petitioner is that the contemnor has wilfully violated the order of the Court by taking the plea that he is not in a position to carry out the order of the Court due to interim order of injunction granted by learned Civil Judge (Senior Division) at Port Blair in connection with O.S. No.187 of 2013. The order passed in this regard by the contemnor is annexed to the contempt application by the petitioner. It appears from the said order passed by the contemnor that the petitioner no.2 instituted O.S. No.187 of 2013 against one A. Panja for his eviction as tenant. Admittedly, Andaman Administration is not a party to the said O.S. No.187 of 2013 and thereby the order passed by learned Civil Judge (Senior Division) at Port Blair is not binding on the contemnor.

Mrs. Nag, learned counsel representing the alleged contemnor submits that the Deputy Commissioner was swayed away by the order passed by the Civil Court and as such, she has prayed for accommodation of four weeks for compliance with the direction given by this Court. She further submits that

the affidavit of compliance will be submitted within four weeks.

In view of such submission from Mrs. Nag, I restrain myself from issuing contempt rule against the contemnor. Accommodation of four weeks is granted for compliance with the direction given by this Court on January 10, 2017. The affidavit of compliance must be submitted by the contemnor, Deputy Commissioner, South Andaman District, Port Blair on December 1, 2017.

List the matter before the appropriate Bench on December 1, 2017 under the heading "For Orders".

Let this order be uploaded in the server of this High Court at Calcutta on the Appellate Side by Monday. Let a plain copy of this order countersigned by the Assistant Registrar (Court), be communicated through the learned Registrar General, High Court, Calcutta to the learned Registrar of the Circuit Bench at Port Blair by Fax on Monday with direction to the learned Registrar to hand over the same to Mrs. Anjali Nag, learned counsel representing the contemnor immediately.

(R. K. Bag, J.)