

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 7740-7741 OF 2002

K.L. MUKHOPADHYAY & ANR. Appellant (s)

VERSUS

SHAHJAHAN MONDAL & ORS. Respondent(s)

(With appln(s) for directions and office report)

WITH Civil Appeal NO. 7743A-7744 of 2002
(With office report)

Date: 18/05/2012 These Appeals were called on for hearing today.

CORAM :
HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE DIPAK MISRA
(VACATION BENCH)

For Appellant(s) Mr. Soumitraq G. Chaudhuri,Adv.
Mr. Abhijit Sengupta,Adv.
Mr. Avijit Bhattacharjee,Adv.

For Respondent(s) Mrs V.D. Khanna,Adv.
Mr. Ranjan Mukherjee,Adv.

UPON hearing counsel the Court made the following
O R D E R

In terms of the signed order, the
appeals stand disposed of.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 7740-7741 OF 2002

K.L. MUKHOPADHYAY & ANR. APPELLANTS

VERSUS

SHAHJAHAN MONDAL & ORS. RESPONDENTS

WITH

CIVIL APPEAL NOS. 7743A-7744 OF 2002

SOMNATH SEN & ORS. APPELLANTS

VERSUS

O R D E R

These appeals have been preferred against the Judgment and order dated 14.12.2001 in W.P.C.R.C. Nos.13640/2001 and W.P.C.R.C. Nos.13641/2001 passed by the Division Bench of the Calcutta High Court issuing certain directions asking the present appellants to appear in person before the Court and face the contempt proceedings.

Mr. Soumitra G. Chaudhuri, learned counsel appearing for the appellants has taken us through the impugned judgments/orders. The language used therein gives an impression as if the High Court has already made up its mind and decided to impose the punishment on the alleged contemnors/appellants. However, it simply means and amounts to show cause notice to the present appellants to explain about the alleged complaints of non-compliance

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of the order passed by the High Court earlier, though the High Court has directed the present appellants to appear in person.

Another order dated 14.12.2001 appears to have been passed by the court in suo motu contempt proceedings.

In the facts and circumstances of the case, we are of the considered opinion that this was not the stage where the High Court could have taken such a drastic step asking the Judicial and Administrative Members of the Land Reforms and Tenancy Tribunal to appear in person.

In view of the above, the order in suo motu contempt proceedings is quashed. However, the other order may be read only as a show cause notice and any observation made therein would not adversely affect either party during the trial in the contempt proceedings if any, as these observations may be taken as a prima facie view for issuing the show cause notice.

Thus in view of the above, the appellants are directed to show cause within a period of six weeks from today and the High Court is requested to proceed with the trial of the contempt proceedings strictly in accordance with the rules framed by the High Court for this purpose.

With these observations, the appeals stand disposed of.

.....J.
[DR. B.S. CHAUHAN]

NEW DELHI
MAY 18, 2012

.....J.
[DIPAK MISRA]