

Cont. Cas(C) No.01 of 2020

MD. NASIRUDDIN ANSARI

...PETITIONER

VERSUS

STATE OF SIKKIM AND ORS.

...RESPONDENTS

Date: 15.10.2020

CORAM:

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE

...

ORDER (ORAL)

Heard Mr. N. B. Khatiwada, learned Senior Counsel assisted by Ms. Gita Bista for the petitioner. Also heard Ms. Pema Bhutia, learned State Counsel for respondent nos.1 & 4 and Mr. A. K. Upadhyaya, learned Senior Counsel assisted by Ms. Rachhitta Rai, for respondent nos.2 & 3.

This contempt petition is filed alleging willful violation of the order of this Court dated 04/12/2019 passed in WP(C) No. 52/2018.

The petition is filed without arraying the persons who had willfully and deliberately violated the order of this Court by name. The respondents are arrayed by designation. A post may be held by different incumbents at different points of time. Allegations of willful and deliberate violation of an order of the court can be brought only against a person and not against a post.

Confronted with the aforesaid situation, Mr. Khatiwada submits that he may be permitted to withdraw this contempt petition with liberty to file a fresh contempt petition.

HIGH COURT OF SIKKIM
Record of Proceedings through Video Conferencing

At this juncture, Mr. Upadhyaya submits that this contempt petition is not maintainable because of non-compliance of Rule 175 of the Sikkim High Court (Practice & Procedure) Rules, 2011. However, in view of the prayer made by Mr. Khatiwada, this aspect of the matter is not gone into.

Considering the matter in its entirety, for ends of justice, this contempt petition is closed and disposed of with liberty granted to the petitioner to approach this Court by way of filing a fresh contempt petition.

Chief Justice

Approved for Reporting: Yes

pm/