

23.03.2020
KC(UL6)

W.P. 2396(W) of 2020
Kalidas Datta
-versus-
Assistant General Manager, Allahabad
Bank and Ors.

Mr. Bijoy Adhikary.....For the petitioner.

Mr. Adhikary, learned advocate for the petitioner mentions the writ petition seeking an urgent hearing.

Urgent hearing is claimed on the ground that the petitioner's bus would be put up for auction on 25th March, 2020 by the respondents and, therefore they should be immediately restrained by an interim order.

I have heard Mr. Adhikary at some length, although he feels that he has not been heard. It has been ascertained from him that the petitioner's bus was seized as far back as on 15th January, 2020 by the respondents owing to the petitioner's failure to discharge his debt.

If indeed the bus had been seized by the respondents without taking recourse to law, as alleged, it passes my comprehension as to why learned advocate for the petitioner could not impress upon the learned Judge of the writ court, having determination to hear Group IX matters, to take up the writ petition

for consideration out of turn. The petitioner cannot, by his own conduct, create an urgent like situation during the present disturbing times and seek a hearing in the absence of the respondents much after seizure of the bus was effected on 15th January, 2020.

It is needless to observe that if any action is taken by the respondents during the pendency of the writ petition adverse to the interest of the petitioner, obviously such action shall abide by its result.

The prayer for urgent hearing is, therefore, refused.

While I was dictating the aforesaid order as to whether the writ petition involves such degree of urgency that it has to be taken up for consideration at this stage, Mr. Adhikary obstructed the course of administration of justice by not only interfering repeatedly in the course of dictation but also first thumped the addressing table and then banged the microphone on it, more than once. Mr. Adhikary was warned to behave but instead of heeding to such warning, he was heard to say that my future shall be doomed by him and for such purpose he cursed that I be infected by the Corona virus.

Mr. Adhikary was curtly told that neither do I fear dooming of my future nor being infected by the

virus; the majesty of the Court is what is paramount in my mind and to uphold that a rule for contempt could be issued against him.

Mr. Adhikary seemed not to care and was found to be unrelenting in shouting at the top of his voice, not behoving a member of the noble profession and thereby undermining the dignity and prestige of this Court. It is indeed with difficulty that dictation of this order could be completed.

The conduct of Mr. Adhikary, apart from being abominable, *prima facie* amounts to 'criminal contempt' within the meaning of section 2(c) of the Contempt of Court's Act, 1971. Therefore, I have no other option but issue a *suo-motu* **Rule** for contempt against Mr. Adhikary.

Let the rule be drawn up in separate order sheet. Office is directed to serve the **Rule** on Mr. Adhikary as early as possible. Mr. Adhikary is present in Court and the order has been dictated in his presence. Let him answer the Rule within a fortnight from date of service thereof. The **Rule** is made returnable before the appropriate Division Bench having determination upon reopening of this Court after Summer Vacation.

(DIPANKAR DATTA, J.)