

18.02.2021
Ct. No.13
Sl. No.110
akd

W.P.A. 3444 of 2021 [via video conference]

[Sujit Kumar Dutta & Ors. -Vs- State of West Bengal & Ors.]

Mr. Prasanta Kumar Banerjee
Ms. Indrani Nandi
Ms. Krishna Yadav
... .. for the petitioners

Mr. Pabitra Charan Bhattacharjee
Mr. Manas Ghosh
Mr. Subajit Panja
... .. for respondent nos.5 & 6

Affidavit-of-service filed in court today be kept with the record.

The instant writ application has been filed seeking enforcement of an order dated 2nd March, 2020 passed by this court in W.P. No.3014(W) of 2020. A writ petition is not maintainable to seek enforcement of an earlier order passed by this court and that too within one year thereof. The remedy of the petitioner lies under the provisions of the Contempt of Courts Act, 1971.

The petitioner submits that the direction contained in the order dated 2nd March, 2020 passed by this court has been understood not to be mandatory by the Administrator functioning over the Serampore Wholesale Consumer Co-operative Society Ltd.

It is clarified that when the writ court directs an authority with the expression may or shall, the same must be understood as a specific direction and cannot be avoided by the authority concerned.

The Registrar, Co-operative Societies is hereby directed to oversee compliance of the aforesaid order.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)