

Ct. 16
Item No.103
07.07.2021
(suvendu)

WPST 32 OF 2020

**Tarapada Roy & Ors.
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Mr. D.N.Ray
Mr. Sourav Halder
.....for the petitioners
Mr. Anirban Roy, Ld. G.P.
Mr. Raja Saha
Mr. Pinaki Dhol
.....for the State

The instant writ petition is thoroughly misconceived.

The prayers set out in the impugned orders of the two earlier applications are bear testimony to the fact that the third application is barred by res judicata. The issues raised in the present writ petition are inextricably connected with the issues raised and decided in earlier proceedings against the writ petitioners. Presently under the garb of implementation of the order passed in O.A. 969 of 2012 on 13th December, 2012; the writ petitioners, who were the applicants in the original applications, have filed the present writ petition. The order of the Hon'ble Division Bench in W.P.S.T. No. 151 of 2017 (The Secretary, Irrigation and Waterways

Department, Government of West Bengal & Ors. Vs. Srinanda Baishnab & Ors.) decided on July 16, 2018 has considered the implication of the order dated 13th December, 2012 and accepted the contention of the department that there was no panel for the land looser where the writ petitioners could be impaneled.

In view of the above, the question of implementing the order dated 13th December, 2012 does not arise. We feel that the learned tribunal was justified in dismissing the said application.

The writ petition is, accordingly, dismissed.

However, there will be no order as to costs.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)