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23.11.
2021
Ct. No.13

WPA 13486 of 2021

Gurudas Roy Chowdhury
Vs.
The State of W. B. & Ors.

Mr. Haradhan Banerjee
Mr. Amitava Pain
Mr. Subhrangshu Datta
.....For the Petitioner
Md. T. M. Siddiqui
Mr. N. Chatterjee
.....For the State

The writ petitioner seeks enforcement of an order dated 15th July, 2021 passed in WPLRT 26 of 2021 by a Division Bench of this Court.

Learned counsel for the petitioner relies upon decisions in this regard and submits that the second writ petition could be maintained for the purpose of enforcing an order of another writ court.

Reliance was placed in the case of **Vidya Charan Shukla V. Tamil Nadu Olympic Association** reported in **AIR 1991 323** being a Full Bench decision of the Madras High Court. Reliance is also placed by the learned counsel for the petitioner in the case of **Salkia Businessmen's Association V. Howrah Municipal Corporation** reported in **(2001) 6 SCC 688**. The other decision relied upon by the learned counsel for the petitioner in the case of

Gopalrao Ekbote Vs. Ramachandra Rao reported in **AIR 1971 Andhra Pradesh 53**. The decision of **Sujit Pal V. Prabir Kumar Sun and Ors.** reported in **AIR 1986 Calcutta 220** is also placed. Reliance is also placed on the decision of **All Bengal Excise Licensees' Association V. Raghabendra Singh & Ors.** reported in **(2007) 11 SCC 374**.

This court notes that the facts of the instant case are substantially different from the facts of the cases relied upon by the learned counsel for the petitioner.

In the aforesaid cases, the issue was as to whether a 3rd party is bound to an order of a writ court.

This court is of the view that the remedy of the petitioner, on the facts of the instant case is to seek enforcement or clarification of or complain of violation of the order of the Division Bench in WPLRT 26 of 2021. It would be inappropriate for a Single Bench to decide the scope and ambit of an order passed by an available Division Bench.

(Rajasekhar Mantha, J.)

