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W.P.A. 17148 of 2021
(Uma Mondal vs. State of West Bengal and others.)

Mr. Kartick Bhattacharyya
Mr. Subhas Ch. Dutta
... For the Petitioner

Mr. Chandi Charan De
Mr. Haripada Maity
Mr. Anirban Sarkar
... For the State

Mr. Biswaroop Biswas
Mr. Gorachand Samanta
... For the Respondent Nos. 6-7

At the outset, learned counsel for the private respondents challenges the maintainability of the writ petition on the ground that since an earlier writ petition with identical prayers has been considered and allowed by a co-ordinate Bench of this Court, a fresh writ petition for implementation of the earlier order cannot be entertained. Learned counsel places reliance on a judgment passed by a co-ordinate Bench of this Court on 1st August, 2014 in W.P. 562 of 2014.

Learned counsel for the petitioner submits that after initiation of the present writ petition, the State Authorities have served notice upon the petitioner as

well as the private respondents under Section 10(1) of the West Bengal Highways Act, 1964 and the proceeding is pending. Learned counsel prays for a direction upon the Authority to bring the proceeding to its logical conclusion within a stipulated period of time.

Learned counsel for the petitioner has referred to a judgment of the Hon'ble Supreme Court in the case of ***The Commissioner, Karnataka Housing Board vs. C. Muddaiah*** reported in ***2007(6) Supreme 97*** which records that once direction issued by the competent Court, it has to be obeyed and implemented without any reservation. Any party having grievance against the said order can challenge the order by taking appropriate proceedings known to law.

There is no question of denying or disputing the said proposition of law.

It is not in dispute that an earlier writ petition being W.P. 31423(W) of 2014 was filed before this Court and the prayers in the said writ petition were identical to that of the present writ petition. The earlier writ petition was disposed of by a co-ordinate Bench of this Court by an order dated 14th January, 2015 directing the Executive Engineer, P.W.D. (Road) Krishnanagar Highway Sub-Division-I to consider and dispose of the

representation submitted by the petitioner by enquiring into the matter either himself or causing enquiry to be made into the allegations of the petitioner after giving reasonable opportunity of hearing to the petitioner as well as the private respondents. In the present writ petition, the petitioner has, in substance, prayed for implementation of the said order by the Authority.

Record reveals that a contempt application was filed on behalf of the petitioner which was dismissed for default.

In the judgment passed in W.P. 562 of 2014 a co-ordinate Bench of this Court has held that a subsequent writ petition filed on identical grounds as the earlier writ petition is not maintainable as is hit by the principles of *res judicata* which is also applicable to writ proceedings.

In view of the above, this Court holds that the order passed in the earlier writ petition has been complied with by the Authority by initiating the proceeding under Section 10 of the Act of 1964. As identical prayers for implementation of the said order has been made in the present writ petition, the writ petition is not maintainable.

Accordingly, W.P.A. 17148 of 2021 is dismissed as not maintainable.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)