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11.10.2023  
Ct. No. 15  
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**W.P.A. 2390 of 2015**

**Ganga Narayan Dey  
Vs.  
The State of West Bengal & Ors.**

Mr. Malay Bhattacharyya  
...for the petitioner

Mr. Srijan Nayak  
Ms. Rituparna Maitra  
Mr. P.S. Pal  
...for the respondent no. 1

Mr. Ankit Sureka  
Mr. Biplab Das  
...for the respondent no. 3

Mr. Chandan Misra  
Ms. Sarda Sha  
...for the respondent nos. 4 and 5

Affidavit-of-service filed on behalf of the petitioner  
is taken on record.

The writ petition is taken up for consideration pursuant to the order dated 27<sup>th</sup> September, 2023 in presence of the learned advocates representing the petitioner, Jotebehar Samabay Krishi Unnyan Samity Limited being respondent nos. 4 and 5 and the State-respondents.

Petitioner by instituting the present writ petition, *inter alia*, prayed for waiver of loan which he has taken from respondent no. 4 under a Scheme introduced by the Government of India in 2008. The learned advocate representing the petitioner has drawn attention of this Court to one notice dated 7<sup>th</sup> August, 2008 issued by the

Bankura District Central Cooperative Bank Limited and according to the petitioner he appeared before the bank authority on a particular date and time as stated in the said notice. It has been submitted that in spite of appearing before the concerned bank authority no steps were taken for waiver of loan of the petitioner and the prayer of the petitioner was not considered.

The prayer couched in this writ petition is vehemently opposed by Mr. Chandan Misra, learned advocate representing Jotebehar Samabay Krishi Unnyan Samity Limited being respondent nos. 4 and 5 on the score that previously the present petitioner along with five other petitioners instituted one writ petition being WPA 21850 of 2012 and the same was dismissed for default on 11<sup>th</sup> October, 2012.

In support of contention of the respondent nos. 4 and 5 the copy of the writ petition is produced before the Court and the same is perused. An order dated 25<sup>th</sup> July, 2014 passed on applications being CAN 6314-15 of 2014 which were taken out by one of those six writ petitioners seeking condonation of delay in presenting the restoration application and recalling of the order dated 11<sup>th</sup> October, 2012. A coordinate Bench vide order dated 25<sup>th</sup> July, 2014 dismissed both the applications taken out by one of those six writ petitioners in the writ petition being WPA 21850 of 2012.

Having considered the submissions made on behalf of the parties it appears that petitioner has filed the present writ petition with the prayer which is identical to the prayer made in the previous writ petition by six writ petitioners which was numbered as WPA 21850 of 2012. The present petitioner was petitioner no. 3 in that writ petition. The said writ petition was dismissed for default vide order dated 11<sup>th</sup> October, 2012 and subsequently one of those six writ petitioners preferred applications seeking condonation of delay and recalling of the order dated 11<sup>th</sup> October, 2012 and both the applications were dismissed by the coordinate Bench vide order dated 25<sup>th</sup> July, 2014 upon imposition of cost.

In view of aforesaid scenario the present writ petition is barred by res-judicata and the same is not maintainable.

Accordingly, the writ petition stands dismissed.

Copy of the order dated 25<sup>th</sup> July, 2014 passed by the coordinate Bench is taken on record.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**