

WPA 7242 of 2023
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CAN 1 of 2023
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CAN 2 of 2023

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...for the applicants/petitioners.

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Mr. Srinath Singha Roy ...for the State.

Mr. Tulsidas Ray

Mr. Tirthankar Roy ...for respondent nos.9 to 11.

In Re: CAN 2 of 2023

The applicants/petitioners seek condonation of delay in filing the recalling application being CAN 1 of 2023.

Heard learned counsels for the parties.

Good grounds being shown, the delay in filing the recalling application is condoned.

The application being CAN 2 of 2023 is disposed of.

In Re: CAN 1 of 2023

The applicants/petitioners seek recalling of the order passed by this Court on 11th July, 2023 in WPA 7242 of 2023 on the ground that the prayers made in the earlier writ petition being WPA 17370 of 2022 are different and distinct from the prayers in the present writ petition being WPA 7242 of 2023. Also, the cause of action in the earlier writ petition is a continuing cause of action and

the present writ petition could not have been dismissed merely for the reason that the earlier writ petition was withdrawn without seeking liberty to file a fresh writ petition on the same cause of action.

On perusal of the prayers made in the earlier writ petition, it appears that the said prayers are almost identical to that of the present writ petition. The prayers may have been presented in a different manner but they are identical.

By the order passed on 11th July, 2023, this Court has made an elaborate observation with regard to the reasons for which the writ petition was dismissed on the maintainability issue. No subsequent ground has been made out by the applicants/petitioners for recalling/reviewing the said order.

Order 47 Rule 1 of the Code of Civil Procedure lays down the parameters which are required to be satisfied for review of a judgment/order. In terms of the said provision of law, any person considering himself aggrieved by such order and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made or on account of some mistake or error apparent on the face of the record or for any sufficient reason, desires to obtain a review of the order, may apply for a review to the Court which made the order.

In the case in hand, the applicants/petitioners have not been able to demonstrate any of the said grounds for review/recalling of the order in question.

The prayer of the petitioners in the present application is in fact an appeal against the order passed by this Court. This Court has no authority to sit in appeal over its own order in the garb of a review.

The application being devoid of any merit is liable to be dismissed.

In view of the above, the application being CAN 1 of 2023 is dismissed.

There shall, however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)