

23.04.2025
Item No. 5, 6.
Ct. No.1
Saikat/AB

F.M.A. 517 of 2025
With
I.A.No. CAN 1 of 2025

Ajit Kumar Manna & Others
Versus
Hriday Ranjan Maji & Others

With

F.M.A. 568 of 2025
With
I.A.No. CAN 1 of 2025

Hriday Ranjan Maji & Others
Versus
Khursheed Ali Qadri
D.M. Paschim Medinipur & Others

Mr. Kumar Jyoti Tiwari,
Mr. Uttam Kr. Mondalfor the Appellants in
FMA 517 of 2025 &
Private Respondents in
FMA 568 of 2025.

Mr. Samiran Mondal,
Mr. Abhinaba Dan,
Mr. Nitish Samantafor the Appellants in
FMA 568 of 2025 &
Private Respondents in
FMA 517 of 2025.

Mr. Soumitra Bandopadhyay,
Mr. Ram Chandra Guchhait.....for the Respondent
Nos.11 to 19 in FMA 517
Of 2025 & Respondent
Nos.1 to 9 in FMA 568
Of 2025.

1. Affidavit of service filed in Court today be taken on record.
2. Both the appeals are directed against the order passed in CPAN 584 of 2024 in WPA 11379 of 2021. By the impugned order, certain directions have been issued, which, according to the appellants in FMA 517 of 2025, was virtually modifying the earlier order, passed in the contempt petition dated February 14, 2025.

3. We have gone through the order dated February 14, 2025 as well as the order dated February 28, 2025. The order dated February 14, 2025 was an order passed during the pendency of the contempt petition and subsequently after the matter was heard, final order has been passed on February 28, 2025.
4. Therefore, it cannot be stated that the earlier directions stood modified by the order dated February 28, 2025 and such plea cannot be entertained since the earlier order was an interim direction dated February 14, 2025.
5. The appellants in FMA 517 of 2025 pray for modification of the order dated February 28, 2025 seeking permission for them to harvest the fish which has been grown in the said water-body. Such a prayer cannot be made in an intra-court appeal especially when such prayer was not made before the learned Single Bench.
6. In the other appeal, namely, FMA 568 of 2025, the appellants seek for modification of the order in paragraph (1) wherein the appellants were entitled to refill the land at their own cost and take steps to recover the cost of refilling the same against the private respondents/appellants in FMA 517 of 2025. Such a prayer for modification should be sought for from the Court of first instance and such prayer cannot be entertained in an intra-court appeal.
7. Therefore, we are not inclined to entertain both the appeals and, accordingly, the same are dismissed. However, it will be open to both the appellants to seek for

appropriate modification before the learned Single Bench, if so advised, by filing appropriate applications.

8. The appeals stand dismissed along with the connected applications.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)