

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**MAT 860 of 2024
with
IA No.: CAN 2 of 2024**

**Shoaib Ahmed
Vs.
The State of West Bengal & Ors.**

For the Appellant : Mr. Golam Mastafa, Advocate
Mr. Samirul Sardar, Advocate

For the State : Mr. Jayanta Samanta, Jr. Govt. Advocate
Mr. Manas Kumar Sadhu, Advocate

For the KMDA/Respondent No.8: Mr. Satyajit Talukdar, Advocate
Mr. Arindam Chatterjee, Advocate

Heard & Judgment on : April 25, 2025

DEBANGSU BASAK, J.:-

1. Appeal is at the behest of a writ petitioner in WPA 2223 of 2020.

2. Four writ petitions were disposed of by the impugned order dated March 20, 2024 including the writ petition of the appellant before us.
3. Learned Single Judge found that, the issues sought to be raised by the appellant in the writ petition were decided in at least two earlier round of litigations.
4. Learned Single Judge found that, the appellant to be guilty of suppression of such material fact and that, the issues sought to be raised by the appellant in the present writ petition to be hit by the principles of *res judicata*.
5. In the facts of the present case, we find that, the writ petitioner was member of a cooperative society which approached the Writ Court at least twice for the purpose of seeking same relief which the writ petitioner sought to seek in WPA 2223 of 2020. Appellant as the writ petitioner is claiming rights which flows through the Co-operative Society of which he is a member.
6. Appellant before us, therefore, is governed by the decisions of the Court rendered in the earlier two proceedings. Learned Single Judge, therefore, rightly held that, the relief as sought for by the appellant is hit by the principles of *res judicata*. On the aspect of suppression also, we do not find any infirmity in the finding of the learned Single Judge that, the appellant before us is guilty of suppression of material fact before the learned Single Judge. Writ petitioner did not allude to the earlier round of litigations in the writ petition.

7. In such circumstances, we find no merit in the present appeal.
8. **MAT 860 of 2024** and **IA No.: CAN 2 of 2024** are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

9. I agree.

(Md. Shabbar Rashidi, J.)

(AD)