

D/L  
Item No. 12  
16.07.2025  
KOLE

**WPA 19580 of 2024**

**Nirmala Bhakat & Anr.**

**-Vs.-**

**The Midnapore Municipality & Ors.**

*Mr. Avijit Ghoshal,*

*...for the petitioners.*

*Mr. Tushar Sinha,*

*Mr. Pranab Kumar Das,*

*.... For the respondent nos. 7 to 9.*

*Mr. Sujay Bandopadhyay,*

*Mr. Jagatyoti Das,*

*...for the Municipality.*

1. Affidavit of service filed in court today be kept with the records.

2. This is a second round of litigation initiated by the petitioners. The petitioners had earlier filed the writ petition being No. WP No. 24248 (W) of 2019 alleging illegal and unauthorized construction of concert floor at the premises situated at Khaprail Bazar, P.O. Midnapore, PS-Kotwali, District Paschim Medinapore, under the jurisdiction of Midnapore Municipality, ward No. 7, JL NO. 170, Mouza-Chadiyana Bazar, RS-Plot No. 688/858 and 688/859, LR Plot No. 1017 and 1016 measuring approximately 0.0450 acres and 0.0151 acres corresponding to Holding No. 132 (Part), allegedly constructed and 134 (Part) at the instance of the private respondents.

3. This Court vide order dated 14.01.2020, disposed of the said writ petition with the direction to the respondent Municipality to initiate proceedings under Section 218 of the West Bengal Municipal Act, 1993 and to take a final decision

in the matter after affording an opportunity of hearing to all the concerned parties.

4. Due to delay in compliance with the said order, the petitioners initiated contempt proceedings being WPCRC 63 of 2022. During the pendency of the said contempt proceedings, the respondent Municipality passed an order dated 25.04.2024, holding that there was no unauthorized construction and accordingly closed the proceedings initiated under Section 218 of the West Bengal Municipal Act, 1993.

5. Consequently, the contempt petition was disposed of with the observations that “This order shall not preclude the applicants to take steps in accordance with law against the order dated 25<sup>th</sup> April, 2024”.

6. Pursuant thereto the petitioners have filed the present writ petition.

7. However, upon perusal of the prayer clause of the instant writ petition, it appears that the petitioners have not challenged the order dated 25<sup>th</sup> April, 2024. Instead, the petitioners have merely reiterated the very same prayers as were made in the writ petition No. 24248 (W) of 2019. In view of the fact that the petitioners are seeking to re-agitate the same cause of action which has already been raised and adjudicated upon in WP No. 24248 (W) of 2019. Accordingly, this Court is not inclined to entertain the present writ petition.

8. With the above directions the writ petition stands dismissed with liberty to the petitioners to take appropriate proceedings in accordance with law.

9. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Gaurang Kanth, J.)**