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jdt. 11.03.2026
jb.

CPAN 11 of 2026
(Habiba Khatun Bibi vs. Rajeev Kumar & Ors.)
in
WPA 28759 of 2025
and
CAN 1 of 2026
The Officer in Charge, Lalgola Police Station
vs.
Habiba Khatun Bibi & Ors.

Mr. Joydip Banerjee
Ms. Susnita Saha
.... For the Applicant-Contemnor no. 3
Mr. Moyukh Mukherjee
Mr. Sobhan Gani
Md. Aqib Badr
Mr. Shakti Shivam
Parvej Islam
.... For the Petitioner

The alleged contemnor no. 3/applicant in CAN 1 of 2026 seeks recalling of the order dated 22nd December, 2025 primarily on the ground that the petitioner has misled the Court in stating that she runs a shop room in plot no. 615 which has been sealed and frozen by the police authority by order of the competent authority. Learned counsel for the applicant submits that it appears from the report of the revenue officer that plot no. 477 which has been frozen and plot no. 615 where the petitioner claims to be running her business are same and identical. In view of the fact that the shop room therein has been frozen by order of the competent authority, the said order is appealable under Section 68 (O) of the NDPS Act.

Denying such contention, learned counsel for the opposite party/petitioner submits that the plot no. 615 is

distinct and different from plot no. 477. Though the applicant says that the shop room has been locked by the petitioner herself and not by the police authority, the fact is otherwise. Despite no illegal activity being carried on in the shop room, the said room has been locked and frozen by order of the competent authority.

I have considered the material on record. It is trite law that the scope of recalling/review of an order passed by a Court is limited and the Court cannot sit in appeal over its own order in the garb of a review/recall. The Hon'ble Supreme Court in the authority in ***Budhia Swain and others vs. Gopinath Deb and Others*** reported in **(1999) Supreme Court Cases 396** has laid down certain situations under which the Court may recall an earlier order made by it which are as follows:

“ (i) the proceedings culminating into an order suffer from the inherent lack of jurisdiction and such lack of jurisdiction is patent,

(ii) there exists fraud or collusion in obtaining the judgment,

(iii) there has been a mistake of the court prejudicing a party, or

(iv) a judgment was rendered in ignorance of the fact that a necessary party had not been served at all or had died and the estate was not represented.”

In the case in hand, the report submitted by the Revenue Officer, Lalgola Gram Panchayat, Block Land and Land Reforms Officer, Lalgola demonstrates the details of

R.S. Plot no. 477 which has been frozen by order of the competent authority. However, the report does not for once indicate that the plot no. 615 and plot no. 477 are same and identical. Plot no. 615 does not appear to have been included in the list of properties frozen at the behest of the competent authority. Also, the report submitted by the Officer in Charge, Lalgola police station indicates that the shop room in question has not been locked and sealed by the police authority but the petitioner herself has put the property under lock and key.

It is crystal clear that the shop room of the petitioner situated in plot no 615 has not been locked or sealed as stated by the applicant/alleged contemnor no. 3. The petitioner has no claim in respect of plot no. 477 which appears to have been frozen.

In view thereof, the order under recall does not appear to have suffered from any irregularity or lack of jurisdiction and does not call for a recall/review. The authority in **S. Nagraj and Others vs. State of Karnataka and Another** reported in **1993 Supple (4) Supreme Court Cases 595** deals with recalling of order due to mistake therein. There being no mistake found in the order under recall, the ratio decidendi laid down in the said authority is not applicable in the fact situation of the present case.

Since the applicant/alleged contemnor no. 3 admits that the shop room of the petitioner in plot no. 615 has neither been frozen nor locked or sealed by the police authority/competent authority, the petitioner is at liberty to carry on her business therein. The police authority shall

render necessary assistance to the petitioner so that she is able to carry on business in the said shop room without indulging in any illegal activity.

CAN 1 of 2026 is dismissed.

The contempt application being CPAN 11 of 2026 is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)