

In The High Court at Calcutta
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 12977 OF 2026

**AKHER ALI MONDAL AND ANOTHER
VS.
THE STATE OF WEST BENGAL AND OTHERS
.....**

Mr. Ashim Kumar Routh, Adv.
Mr. Subhayan Barik, Adv.
Ms. Ananya Mondal, Adv.
Ms. Manishka Dhar, Adv.

...For the Petitioners

Ms. Anita Kundu, Adv.
Ms. Sumita Sarkar, Adv.

...For the State

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioners and the State respondents.
3. Prayer is made in this writ petition for protecting the land of the petitioners and in this regard Mandamus is sought for thereby seeking direction upon the concerned police authorities to take steps in view of the orders passed by a co-ordinate Bench on other writ proceedings.
4. A query is posed to the learned advocate representing the petitioners as to which order fortifies case of the petitioners requiring steps to be taken by the concerned police authorities and in reply, reliance is placed on the order dated 20th March, 2025 passed by a co-ordinate Bench on a review application being

RVW 14 of 2023 with a contempt application being CPAN 614 of 2023 in WPA 25898 of 2022 with WPA 9611 of 2023.

5. Order passed by the co-ordinate Bench on 20th March, 2025 is quoted below:

- “1. Learned advocate appearing on behalf of the review applicant submits that, in view of the report forwarded by the Block Land & Land Reforms Officer, Rajarhat, North 24 Parganas dated 13th November, 2024 the application for review has become infructuous.*
- 2. In view of such submission, the application for review and the connected application stands dismissed as ‘infructuous’.*
- 3. It has further been submitted on behalf of the petitioner that part compliance of the order has been made and subsequent events have taken place.*
- 4. The Court is of the opinion that, the subsequent events give rise to fresh cause of action and legality of the same cannot be adjudicated in the contempt proceeding.*
- 5. In view of the above, the contempt application stands disposed of.*
- 6. It will be open for the petitioner in the contempt petition to approach the competent forum for relief in accordance with law, if so advised.*
- 7. The writ petition being WPA 9611 of 2023 stands released from the list of this Bench for want of determination.*
- 8. Liberty granted to the learned advocate for the petitioner to mention the matter before the Bench having determination.”*

6. *Vide* said order dated 20th March, 2025, the co-ordinate Bench observed that events take place

subsequently may give rise to fresh cause of action and legality of the same ought not to be adjudicated in contempt proceedings. Contempt application was disposed of with liberty granted to the petitioners thereby to approach the competent forum for relief, in accordance with law.

7. Writ petition being WPA 9611 of 2023 was also released by the co-ordinate bench *vide* order dated 20th March, 2025.
8. On perusal of the order dated 20th March, 2025, it does not appear that any steps are required to be taken by the concerned police authorities to protect the land of the petitioners.
9. Moreover, in course of hearing no other order is placed before this Court that comes in aid of the petitioners to fortify the case made out in this writ petition.
10. Hence, no relief can be granted to the petitioners as prayed for in this writ petition.
11. Writ petition stands dismissed.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)