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rkd 30.06.2026
Ct.05

W.P.A. 14016 of 2026

Swapna Rani Hazra

-vs-

The State of West Bengal & Ors.

Mr. Saheb Uddin Laskar

....for the petitioner.

Mr. Suryaneel Das,
Ms. Anita Kundu,
Mr. Bhaskar Bhattacharyya

....for the State.

1. At the time of call accommodation is prayed for on behalf of the petitioner but same is refused considering the submission made on behalf of the State respondents by Mr. Das, learned Additional Government Pleader.
2. Attention of this Court is drawn to averments made in paragraphs 7 to 9 wherein it is disclosed that another writ petition was filed being WPA 7365 of 2022 which was dismissed for default by a coordinate Bench vide order dated 3rd April, 2023.
3. The stand of the petitioner emanates from the statements made in paragraph 9 of the writ petition stands negated since it appears as the dismissal of the aforesaid writ petition was not on merit and right, title and possession of the petitioner was not decided therein, there is no impediment in filing present writ petition.

4. Once a writ petition on similar/identical cause of action is dismissed on the ground of default, option which is left open to the petitioner is to file an application seeking revival of the writ petition by recalling dismissal order passed by the Court.
5. Therefore, in view of the dismissal order dated 3rd April, 2023 passed in the writ petition being WPA 7365 of 2022 of the coordinate Bench which attained finality, no subsequent writ petition is maintainable on selfsame cause of action.
6. Hence, present writ petition is not entertained and stands dismissed.
7. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)