

33 16.11.2021

gd/ssd

MAT 909 OF 2021
IA NO: CAN/1/2021
KENDRIYA VIHAR-II APARTMENT OWNER'S
ASSOCIATION
VS
THE STATE OF WEST BENGAL AND ORS.
(Through Video Conference)

Mr. Bharat Bhusan,
Mr. Dibashis Basu
..for the Appellant.

Mr. Jishnu Chowdhury,
Ms. Amrita Panja Moulick
..for the State.

Mr. Satyendra Agarwal
..for the Respondent No.6.

Mr. Syamantak Banerjee
..for the Respondent Nos.8 to 14,
16 to 19, 21 to 29.

Mr. Devajyoti Barman
..for the Respondent Nos.7,15, 20 & 30.

This appeal is directed against the order of the learned Single Judge dated 12th of August, 2021 whereby WPA No.12406 of 2021 was dismissed.

The writ petition itself was directed against the interlocutory order dated 17th of July, 2021 passed by the competent authority under the West Bengal Apartment Ownership Act, 1972. It has been brought to the notice of this Court that subsequently the competent authority has passed the final order on 12th of November, 2021. The interlocutory order of the competent authority itself was in respect of the

arrangement which was made till the final disposal of the complaint.

In view of this subsequent development, we are of the opinion that nothing survives in this appeal and if the appellant is aggrieved with the final order, then he can challenge the same in appropriate proceedings in accordance with law. Hence, we are also of the opinion that the direction of this Court by order dated 7.10.2021 to file the report has become inconsequential.

The appeal is accordingly disposed of granting liberty to the appellant to challenge the final order, if so advised, in appropriate proceedings.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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