

MAT 998 of 2021
With
CAN 1 of 2021
Sabyasachi Mondal & Anr.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Rananeesh Guha Thakurta
Ms. Dona Ghosh

... ... for the appellants

Mr. Anirban Ray, GP
Mr. Raja Saha
Mr. Sayan Ganguly

... ... for the State

Mr. Sankarshan Sarkar

... ... for the respondent no. 5

This appeal is directed against the order of the learned Single Judge dated 26th August, 2021 whereby learned Single Judge has disposed of the petition granting liberty to the appellants to approach the authorities under the West Bengal Real Estate (Regulatory and Development) Act, 2016.

It has been pointed out by the learned counsel for the State that the Act of 2016 has been struck down by the Hon'ble Supreme Court as ultra vires. Hence, we are of the opinion that the remedy to approach the authorities under the Act of 2016 is no longer available to the appellants.

Hence, the order dated 26th August, 2021 passed in WPA 12577 of 2021 is set aside and the learned Single Judge is requested to take an appropriate decision in accordance with law on the said writ petition afresh.

We make it clear that we have not expressed any opinion on the merits of the matter or about the

maintainability of the petition or availability of any other alternate remedy.

The appeal being MAT 998 of 2021 along with CAN 1 of 2021 are disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)