

9 07.10.2021

gd

WPLRT 50 of 2021
Sri Sri Keshav Rai Jew Thakur & Anr.
VS
State of West Bengal & Ors.
(Through Video Conference)

Mr. Dibyendu Chatterjee,
Mr. Tirthankar Das,
Ms. Piyali Paul,
..for the Petitioners

Mr. A. Ray,
Md. T.M. Siddiqui,
Mr. N. Chatterjee,
..for the State

Affidavit of service filed by the petitioners be kept on record.

Records reveal that challenging a notice dated 15th January, 2021 issued by the respondent no.4 the petitioners herein preferred an original application being OA 412 of 2021.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that by an order dated 26th July, 2021 the learned Tribunal called for a comprehensive status report from the respondent no.4 in order to arrive at a justification as regards issuance of the interim order, as prayed for by the petitioners and fixed the matter for further consideration on 8th December, 2021. Surprisingly, in the midst thereof, the respondent no.4 issued a further notice of hearing dated 23rd September, 2021. In the event any final decision is taken by the respondent no.4, the pending original application would become infructuous.

Mr. Siddiqui, learned advocate appearing for the

State opposes the petitioners' prayer and submits that the learned Tribunal had not injuncted the said respondent no.4 from proceeding with the matter.

In our opinion, when the learned Tribunal called for a comprehensive status report from the respondent no.4 and fixed the original application for hearing on 8th December, 2021, the respondent no.4 ought not to have proceeded with the matter any further.

In view thereof, the present writ petition is disposed of directing that the respondent no.4 shall not pass any final order on the basis of the notice dated 23rd September, 2021 till the original application is heard by the learned Tribunal.

Mr. Siddiqui is requested to immediately intimate this order to the said respondent no.4.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.) (Tapabrata Chakraborty, J.)

