

3.3.2022
Court No. 19
Item no.17
sn

WPA 3115 of 2020

Biswanath Paul
Vs.
The State of West Bengal & Ors.

Mr. Saibal Acharya
Mr. Manaranjan Jana
Ms. Mitali Janafor the petitioner

Mr. Robiul Islam ..for the State

Mr. Soumen Kr. Datta
Ms. Arpita Kundu ..for the private respdt.

Mr. Koushik Chatterjee
Mr. Nilanjan Adhiari
Ms. Tarunika Pal ..for the respdts.2-4

This writ petition has become infructuous in view of the judgement and preliminary decree passed by the learned Civil Judge (Senior Division), 1st Court at Contai in Title Suit No. 45 of 2014.

The petitioner's share in "ka" schedule property and part of "kha" schedule property (Rupasree Cinema) has been upheld. The respondent nos. 5 to 7 have been found to be exclusive owners of The Ledh Repairing business situated at plot nos. 341 and 343, Mouza Serpur Etowaribarh. The municipality has renewed the trade licence in the name of the respondent nos. 5 to 7. Thus, this Court cannot go beyond the decree at this stage. The prayer

not to renew the trade licence has become infructuous.

If the petitioner is successful in his challenge to the preliminary decree before any appropriate Court, in that case, the petitioner may renew his prayer for trade licence for the “Ledh Repairing shop” in accordance with law. This order shall not affect the merits of the civil suit which is pending between the parties.

The writ petition is disposed of.

There will be however no order as to costs.

Parties are to act on the server copy of this order and/or learned advocate’s communication.

(Shampa Sarkar, J.)