

22 04.08.2022

gd/ssd

MAT/372/2022
IA NO: CAN/1/2022
AZMUL DHALI AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Dilip Kumar Samanta,
Mr. Kallol Kumar Basu,
Mr. Debapriya Samanta,
Md. Jannat ul Firdous
..for the Appellants

Mr. Nilotpall Chatterjee
..for the State

This appeal is at the instance of the writ petitioners challenging the order of the learned Single Judge dated 28.02.2022 passed in WPA 16914 of 2021 whereby the learned Single Judge while considering the joint writ petition of 78 persons has maintained the writ petition only at the instance of the petitioner no.1 and has observed that the Court did not see any reason to entertain the writ petition of 78 persons that too for the renewal of the licence. Accordingly, by the order dated 28.02.2022 the writ petition has been disposed of by directing the District Magistrate to consider the application of the writ petitioner no.1 for renewal of the licence and by dismissing the writ petition at the instance of the petitioner nos.2 to 78.

Submission of the learned counsel for the

appellants is that since the court fee for all the writ petitioners was paid, therefore, in view of the judgments of the Hon'ble Supreme Court in the matter of *Mota Singh & Ors. v. State of Haryana & Ors.* reported in 1980 Supp.(1) SCC 600, in the matter of *A.N. Pathak & Ors. v. Secretary Government, Minister of Defence* reported in 1987 (Supp.) SCC 763, in the matter of *State of Bombay v. United Motors (India) Ltd. & Ors.* reported in AIR 1953 SC 252 and the judgments of the High Court in the matter of *Manindra Nath Pal & Ors. v. Municipal Commissioner of Baranagar Municipality* reported in AIR 1956 Cal. 291, in the matter of *Annam Adinarayana v. State of A.P. & Ors.* reported in AIR 1958 AP 16 and in the matter of *Haji Abdul Qayum v. Keshav Saran & Ors.* reported in AIR 1964 All 386, the single writ petition at the instance of the 78 writ petitioners was maintainable.

Learned counsel for the State has referred to the report in the form of affidavit filed today and has pointed out that subsequently the District Magistrate has considered the application for renewal of all the 78 writ petitioners and has passed separate order in each of the case.

On the perusal of the writ petition, we find that the 78 writ petitioners had approached the writ court with the plea that they were allowed to possess the

arms and ammunitions on the basis of the arms licence issued to them and they had not misused the arms possessed by them and no notice for surrender of the arms licence was issued, but their prayer for renewal/extension of the period of the arms licence was not considered.

In the said background, in the writ petition a prayer was made seeking a direction to the respondent no.3 therein i.e. the District Magistrate, Barasat, North 24-Parganas to take immediate steps for renewing the arms licence of the petitioners.

The material placed on record along with the report in the form of affidavit at the instance of the respondent no.3 clearly reveals that subsequently notices were given to all the 78 writ petitioners by the respondent no.3 and thereafter the respondent no.3 has considered the application for renewal of the arms licence filed by all the writ petitioners and disposed of those applications. All the orders have been placed on record.

In view of this, we are of the opinion that the original grievance itself, which was raised in the writ petition, does not survive. That apart, Section 18 of the Act provides for an appeal.

In view of the subsequent development, we need not go into the issue of maintainability of the common

single writ petition at the instance of the 78 writ petitioners as the issue itself involved in the petition does not survive.

Since the issue of joint maintainability of the petition has become academic, therefore, we need not go into that in this appeal.

Hence, we dispose of the appeal accordingly.

(Prakash Shrivastava, C.J.)

(Sugato Majumdar, J.)

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