

D/L
Item No. 9
03.08.2022
KOLE

**MAT 390 of 2022
With
IA No. CAN 1 of 2022**

**Abdul Annas Khan
-Vs.-
The State of West Bengal & Ors.**

*Mr. Kishor Dutta, Sr. Adv.,
Mr. J. Kr. Das,
Mr. M. Alam,
Mr. S. K. Anwar Ali,*

... for the appellant.

*Mr. Lalit Mohan Mahata, AGP.,
Mr. S. Dhar,*

... for the State.

*Mr. Syamal Kr. Das,
Mr. S. Ghorui,
Mr. K. Yadav,*

... for the respondent no. 7.

By consent of the parties the appeal and the application are taken up for hearing together.

The appellant approached the learned Single Judge by filing WPA No. 214 of 2022, challenging the grant of a license by the Chandipur Panchayat Samity, District Purba Medinipur, to the respondent no. 7 for running a 'Hat'. He contended that the license was granted without following the provisions of the applicable rules.

The learned Judge in effect relegated the entire matter to the Executive Officer, Chandipur Panchayat Samity, to decide the grievance of the writ petitioner after hearing all concerned parties. Being aggrieved, the writ petitioner has come up in appeal before us.

Mr. Dutta, learned Senior Counsel, appearing for the appellant submits that the learned Judge has referred to the wrong rules. The 1984 Rules stand repealed. The 2008 Rules govern the field. Further, he tries to demonstrate by referring to xerox copies of record of rights that as on the date of grant of license which was under challenge before the learned Single Judge, the land in question was recorded as 'jal' and not 'dokan' as had been wrongly submitted before the learned Single Judge.

At this juncture, learned Advocate for the respondent no. 7 says that the license under challenge has already expired by efflux of time. A fresh license has been granted in favour of the respondent no. 7. A copy of the fresh license has been made over to learned Advocate on record for the appellant. Copies have also been filed in court and the same shall be retained with the records.

Mr. Dutta, learned Senior Advocate, upon perusing the fresh license says that this one also has been granted in infraction of the 2008 Rules. Learned Advocate for the respondent no. 7 strongly disputes such contention.

Learned Advocate for the State says that the land in question has been converted from 'jal' to 'dokan' and conversion certificate was produced before the learned Single Judge. Such conversion may not be reflected in the record of rights. But the fact remains that conversion was done.

We have noted the above arguments as a matter of courtesy. Nothing remains in this appeal in view of the fact

that the license under challenge has lost its validity. Needless to say, if the appellant is aggrieved by grant of fresh license in favour of the respondent no. 7, he will be at liberty to challenge the same in accordance with law, if he is entitled to do so in law.

The appeal and the connected application are accordingly disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Rai Chattopadhyay, J.) (Arijit Banerjee, J.)