

WPA 25416 of 2022

Abjal Khan
Vs.
The State of W.B. & Ors.

Mr. Debasish Das ...for the petitioner.

Ms. Sima Adhikari
Ms. Kakali Naskar ...for the State.

Mr. K. C. Das
Sk. Sahjahan ...for the private respondent.

Compliance report submitted on behalf of the respondents is taken on record.

Heard learned counsels for the parties.

The notice issued by the Assistant Engineer, PWD Contai Sub-Division on 12th October, 2022 is assailed in the writ petition.

It is submitted on behalf of the petitioner that pursuant to an earlier order passed by this Court on 9th September, 2022 in CAN 1 of 2021 in WPA 10655 of 2021, notice was issued to the petitioner for remaining present during measurement of the plot in question alongwith relevant documents.

The petitioner submitted an application before the concerned authority on 22nd September, 2022 stating that no construction was made by the petitioner within 50 feet of the acquired land.

The petitioner complains that subsequent to the said letter, notice of demolition was issued to him on 12th October, 2022 without supplying any measurement report and without granting the petitioner an opportunity of hearing.

In the present writ petition, the petitioner has prayed for a writ in the nature of mandamus directing the respondents not to give any effect or further effect to the notice dated 12th October, 2022.

It is submitted on behalf of both the parties that during pendency of the writ petition the allegedly unauthorised encroachment/construction, pertaining to the said notice, was demolished by the State authorities on 12th December, 2022.

In view of the above, the writ petition has become redundant and is accordingly disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

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

(Suvra Ghosh, J.)