

APO No. 11 of 2020
with
WPO 610 of 2017
IN THE HIGH COURT AT CALCUTTA
In Appeal from its
CONSTITUTIONAL WRIT JURISDICTION
CIVIL APPELLATE JURISDICTION

Rekha Bajaj
Versus
State of West Bengal & Ors.

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice BIVAS PATTANAYAK
Date: 23rd June 2022

Appearance:
Mr. Joy Saha, Sr. Advocate
Mr. Aniruddha Mitra, Advocate
Mr. Sib Sankar Das, Advocate
for the appellant

The Court: The writ application (WP No. 610 of 2017) was filed by the appellant on a dispute with the respondent State with regard to the amount of stamp duty which was payable on a conveyance.

On 11th September 2019 a learned single judge of this court was pleased to dismiss the writ application. He was also pleased to direct the Registrar, High Court, Original Side to prosecute the appellant for alleged perjury and also to impose costs of Rs. 10 lakhs.

The writ petitioner preferred the instant appeal against that order.

It was stayed by the division bench.

It is now before us after filing paper books, ready for hearing.

None appears for the respondents.

Mr. Joy Saha, learned senior advocate appearing for the appellant submits that the subject matter of the writ and the appeal no longer survives. His client has settled the amount of duty payable with the respondents, the entire duty demanded by the latter has been paid and the subject conveyance executed and registered.

Therefore, the grievance of the appellant/writ petitioner stands fully redressed.

When the outcome of the litigation has been such, we are not inclined to prolong it by continuance of the criminal prosecution under section 340 of the Code of Criminal Procedure.

We direct that the complaint petition if filed shall not be further prosecuted and if not already filed, need not be filed.

We reduce the costs to Rs. 10,000/- to be paid by the appellant into the treasury of the state government by 15th July 2022.

The appeal and the writ application are accordingly disposed of.

(I. P. MUKERJI, J.)

(BIVAS PATTANAYAK, J.)