

Item No.11 of Court No. 1

IN THE HIGH COURT OF JUDICATURE AT CALCUTTA

CIVIL APPELLATE JURISDICTION

APPELLATE SIDE

HEARD ON: 15.03.2023

DELIVERED ON: 15.03.2023

CORAM:

THE HON'BLE MR. JUSTICE T. S. SIVAGNANAM

AND

THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA

M.A.T. 134 of 2023

With

I.A. No.CAN 1 of 2023

Sri Gopal Ray.

Vs.

Ruhidas Debnath & Ors.

Appearance:-

**Mr. Gautam Narayan Bhattacharjee,
Ms. Shraboni Sarkar**

....

for the appellant

Mr. Debapriya Samanta

...

for the Union of India.

**Mr. Suddhasatva Banerjee,
Ms. Ayushi Kundu**

... for the respondents / writ petitioners.

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, J.)

1. This intra-Court appeal is directed against the order dated 13th December, 2022 in WPA No.18171 of 2021. On perusal of the

order, we find that the learned Writ Court had directed the appropriate respondents to follow the procedure under Section 26(1)(2) of the Control of National Highways (Land and Traffic) Act, 2002 and also fixed a time limit within which action should be initiated.

2. It is pointed out by the learned Advocate for the respondents / writ petitioners that in compliance with the said direction, the appropriate authority, namely, the Executive Engineer, National Highways Division) - V, P.W. (Roads) Directorate had scrupulously followed the procedure under the relevant enactment and passed an order on 1st March, 2023.

3. In the light of the subsequent development, the order and direction issued by the learned Single Bench having been already implemented, the order has worked itself out and the question of maintaining a challenge to the said order at this juncture is not permissible.

4. For the above reasons, the appeal fails and is hereby dismissed.

5. There shall be no order as to costs.

6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM, J)

I agree,

(HIRANMAY BHATTACHARYYA, J.)

NAREN/PALLAB (AR.C)