

Item No.5.

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 31.03.2023

DELIVERED ON: 31.03.2023

**CORAM:
THE HON'BLE ACTING CHIEF JUSTICE T. S. SIVAGNANAM
AND
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA**

**M.A.T. 570 of 2023
With
I.A. No.CAN 1 of 2023**

**Swapan Kumar Das.
Vs.
Smt. Sanjukta Samanta & Ors.**

Appearance:-

**Mr. Meghnad Dutta,
Ms. Anam Zafar,
Ms. Susmita Nath,
Mr. Sital Chakraborty** **for the appellant**

**Mr. Amitesh Banerjee, Sr. Adv.,
Ms. Piyali Sengupta,
Mr. Suddhadeb Adak** ... **for the State.**

Smt. Sanjukta Samanta **respondent no.1-in-person/
writ petitioner.**

JUDGMENT

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

1. This intra Court appeal filed by the 10th respondent in WPA No.99 of 2023 is directed against the order dated 14th March, 2023. We find from the said order that the writ petition was directed to be listed on 29th March, 2023.

2. The respondent no.1/writ petitioner appearing in person would submit that the present appeal has become infructuous as the writ petition itself has been disposed of by order dated 29th March, 2023 and the copy of the order has been placed before this Court.

3. It is the submission of the learned Advocate for the appellant that the observations made by the learned Writ Court in the said order may be recorded and this appeal may be disposed of.

4. At this stage, it would be useful to refer to the order passed by the learned Single Bench in writ petition (W.P.A 99 of 2023) dated 29th March, 2023, which is as follows:-

"The petitioner has visited the place of occurrence along with the Investigating Officer.

The visit has undergone smoothly.

Counsel for the private respondents has appeared and submits that his clients were never served with the copy of the writ petition. Affidavit-of-service that was filed in Court is incorrect. Appropriate steps may be taken by the private respondents if necessary in this regard.

Since the writ petition is proposed to be disposed of, this Court does not wish to enter into the allegations made by the private respondents. The coercive measures ordered against the private respondents are no

longer required. The private respondents shall, however, not disturb the petitioner in any way.

The Investigating Officer seeks one-month time to complete the investigation.

Let the investigation be completed within one month from the date mandatorily and positively and a report in the final form be filed before the Jurisdictional Magistrate.

Let copies of such final report be made available to the petitioner as well as the counsel for the private respondents.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court."

5. In the light of the above order, nothing further survives for adjudication in this appeal except placing on record the observations made in the aforementioned order.

6. Accordingly, the appeal along with connected application are disposed of.

7. There shall be no order as to costs.

8. 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)
Acting Chief Justice**

I agree,

(HIRANMAY BHATTACHARYYA, J.)

NAREN/PALLAB (AR.C)