

26.04.2023
Ct. No.1
Item No.6
PG/KS

M.A.T.862 of 2022
With
I.A. No. C.A.N. 1 of 2022
State of West Bengal & Ors.
-Vs.-
Smt. Kalabati Mondal & Ors.

Sk. Md. Galib
Mr. Debasis Ghosh
Ms. Subhra Nag
.....For the State/Appellants

Mr. Rabi Sankar Chattopadhyay
Mr. Anindya Sundar Das
Mr. Anup Dasgupta
Mr. Sujit Bhunia
Mr. Debapriya Samanta
Mr. Krishna Keshab Paul
Mr. Debashis Dey
.....For the respondents/writ petitioners

Mr. Dhiraj Trivedi
Mr. Somnath Adhikary
.....For the Respondent Nos.3, 6 & 7

Mr. Billwadal Bhattacharya, Ld. Dy.S.G.I.
Mr. Kallol Mondal
.....For the C.B.I.

Mr. Bhaskar Prosad Banerjee
Mr. Debasis Tandon
.....For the N.I.A.

1. This appeal by the State is against an interim order passed by the learned Writ Court dated 19th May, 2022 in W.P.A. No.9138 of 2022.
2. We find that the learned Writ Court had directed the matter to be listed on 21st June,

2022 for further consideration. Therefore, the present appeal itself is not maintainable as the learned Single Bench has not finally disposed of the stay application. However, it is brought to our notice that thereafter the learned Single Bench has passed another order on 20th February, 2023 in W.P.A. 9138 of 2022 and another order, which is in I.A. No. CAN 2 of 2023 on 11th April, 2023.

3. Therefore, we cannot entertain this appeal at this juncture as the order impugned in this appeal has already merged/modified by subsequent orders.
4. Accordingly, the appeal stands disposed of leaving it open to the appellants to urge all grounds in the pending writ proceedings or if they are aggrieved by any subsequent orders passed by the learned Writ Court.
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)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)