

CL 127
06.12.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 10343 of 2022

**Paschim Banga Khadi Kendra & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Badrul Karim,
Ms. Indrani Roy,
Mr. Dipankar Das.
...For the Petitioners.**

**Mr. Debjit Mukherjee,
Ms. Oindrila Chatterjee.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the Goyeshpur Municipality.

The petitioners are aggrieved by the act of the Goyeshpur Municipality in demolishing the temporary structure which was in existence for a considerable period of time.

The petitioners admit that the demolition took place in the year 2022. The petitioners submit that the Municipality acted in super speed in demolishing the subject structure.

The writ petition was filed seeking a restraint order against such demolition work. By the time the writ petition is taken up for consideration, the structure in question is no longer there.

Learned advocate appearing for the State respondents has obtained instruction from the Sub-Divisional Officer, Kalyani, Nadia wherein it has been mentioned that the demolition took place on 3rd June, 2022.

The parties submit that a civil suit in respect of the subject premises is pending consideration. Learned advocate appearing for the petitioners is not aware as regards the final outcome of the suit. Learned advocate appearing for the State respondents submits, upon instructions, that the suit has been dismissed. The petitioners were found to be in unauthorized occupation of the subject place.

As it appears that the cause of action for filing the present writ petition no longer exists, accordingly, no relief can be granted to the petitioners.

The document to show that the suit has been dismissed be retained with the records.

The writ petition stands dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)