

12. 29.08.2023
bd. Ct.15

W.P.A. 14336 of 2018

Md. Sadrullah

-vs-

The State of West Bengal & Ors.

Mr. Amartya Mohan Bhattacharya ... for the petitioner.

Ms. Sima Adhikari

Ms. Kakali Naskar

... for the State.

Pursuant to the order dated 8th August, 2023 writ petition is taken up for consideration in presence of the learned advocate representing the State respondents. However, accommodation has been made on behalf of petitioner on the plea that exception to the report filed by the State respondents till date has not been prepared therefore more time is required for preparation of the said exception.

Matter was heard by this Court on 19th June, 2023, 27th June, 2023, 18th July, 2023 and lastly on 8th August, 2023. On 18th July, 2023 petitioner was not represented before this Court and the learned advocate representing the State respondents was directed to serve notice upon the learned advocate for the petitioner and subsequently petitioner was represented on 8th August, 2023 when considering the report filed on behalf of State respondents the petitioner was granted leave to file exception within two weeks. Today, at the time of call this Court finds that petitioner is praying for more time to file the report and the learned advocate who was representing the petitioner previously is not present in Court.

In view of aforesaid facts it appears that petitioner might have lost interest in the matter and that is corroborated from the report of the Block Development Officer, Burwan, Murshidabad, dated 26th July, 2023. Since it is recorded in the said report dated 26th July, 2023 that the petitioner Md. Sadrullah in spite of serving notice to remain present at the time of hearing was found absent. However, from the said report dated 26th July, 2023 it further appears that a morrum road was pre-existing at the site in question and there was obstruction during construction of road resulting in abandonment of road construction at the said disputed site till date.

Since it is already in the report dated 26th July, 2023 of the Block Development Officer, that the construction of road has been abandoned and no exception to this report has been filed by the petitioner in spite of granting adequate opportunity it appears that no further order need be passed on this writ petition.

Accordingly, the writ petition stands disposed of. There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)