

07 31.07.2023
NB Ct. 14

WPA 17030 of 2023

Md. Nawsad Siddique
Vs.
The State of West Bengal & Ors.

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Mousumi Hazra,
Ms. Payel Shome,
Ms. Sampriti Saha.
...for the petitioner.

Mr. Amal Kr. Sen Id. AGP,
Mr. Subrata Guha Biswas.
....for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to allow the petitioner, an MLA of the concerned Assembly Constituency of Bhangar-148 to enter the said area and the area concerned under Bhangar Police Station despite an order passed by the learned Executive Magistrate on 12.07.2023 under Section 144(2) of the Code of Criminal Procedure.

Exception filed on behalf of the petitioner is taken on record.

An order dated 31.07.2023 passed by the learned Sub-Divisional Officer, Baruipur, South 24-Parganas as filed on behalf of the State is also taken on record.

A copy of the same is handed over to the learned counsel for the petitioner.

Learned Additional Government Pleader representing the State submits that the writ petition has become infructuous

as promulgation of the order under Section 144 of the Code has been revoked with effect from 31.07.2023. Therefore, there is no impediment on the petitioner to enter the area in question now at least in relation to the impugned proceeding under Section 144 of the Code. Learned senior counsel appearing for the State further contends that the State denies all the allegations made in the writ petition and the exception.

Learned counsel appearing on behalf of the petitioner however points out as follows. The order under Section 144(2) of the Code was promulgated on 12th July, 2023. In spite of this, other political leaders belonging to the ruling party were allowed to enter and held meetings in the said area on 15th July, 2023. On 18th July, 2023, the present petitioner filed the writ petition. A report was filed by the State on 26th July 2023. An exception has been filed upon a direction passed by this Court. At this stage, the State has come up with an order by which the proceeding under Section 144(2) of the Code has been revoked.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition, the affidavits and the copy of the order filed today.

It appears that the impugned proceeding under Section 144 of the Code no more survives. Therefore, the petitioner's prime grievance, as ventilated in the writ petition, also gets mitigated.

Accordingly, no further order need be passed in this case.

The writ petition, therefore, is disposed of without costs.

As affidavits were not called for, the allegations contained in the pleadings are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)