

19.01.2023

**MAT 1481 of 2022**  
**With**  
**CAN 1 of 2022**

**Tollygunge Bejoyee Sangha & Anr.**  
**Vs.**  
**Maya Das & Ors.**

Mr. Bhaskar Prosad Banerjee

Mr. Parashar Baidya

... ... for the appellants

Mr. Sounak Bhattacharya

Mr. Rittick Chowdhury

Mr. Ishan Bhattacharya

... ... for the respondent no.1

Mr. Debasish Ghosh

Mr. Domingo Gomes

... ... for the State

By this intra-court appeal the respondent nos.5 and 6 in the writ petition have challenged the order of the learned Single Judge dated 5<sup>th</sup> September, 2022 by which WPA 15864 of 2022 has been disposed of by issuing certain directions.

The respondent no.1 herein (writ petitioner) had approached the Writ Court seeking a direction to the police authorities to take necessary steps for executing the judgement and decree dated 15<sup>th</sup> December, 2016 and removing the illegal occupants.

Learned Single Judge in the order under appeal had directed the Civil Court to dispose of all the pending applications of the judgement debtor within seven days from the date of receipt of a copy of the order and had also directed the Officer-in-Charge of the concerned Police Station to effect delivery of the property mandatorily and positively within 48 hours by Civil Court

clarifying the scope of direction on the Bailiff to deliver the possession.

It has been pointed out that subsequently the appellants had filed application under Section 47 of the C.P.C. before the executing court and the executing court has already stayed the decree till the disposal of the said application.

In view of this subsequent development the direction issued by the learned Single Judge in the impugned order has lost its force.

Learned counsel for the appellants also does not dispute above position but his submission is that the order of the learned Single Judge suffers from legal error of law.

In view of the subsequent development it is undisputed that the issue has become academic.

Hence, we have refrained ourselves from going into the merits of the matter and we dispose of the appeal taking note of the aforesaid subsequent development.

Connected application is accordingly disposed of.

**(Prakash Shrivastava, C.J.)**

**(Rajarshi Bharadwaj, J.)**